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RESPECTING

THE TREASURY DEPARTMENT

OF THE

PROVINCE OF QUEBEC

Printed under the authority of 41 Victoria, Chapter 3, Section 260

BY DIRECTION OF

The Hon. J. S. C. WÜRTELE,
PROVINCIAL TREASURER.

Edmond Riquel



QUEBEC:

PRINTED BY CHARLES-FRANÇOIS LANGLOIS

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

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L A W S
RESPECTING
THE TREASURY DEPARTMENT
OF THE
PROVINCE OF QUEBEC.

IMPERIAL STATUTES.

30-31 VICTORIA.

CHAPTER 3.

An act for the union of Canada, Nova Scotia, and New Brunswick, and the government thereof; and for purposes connected therewith.

[29 *March*, 1867.]

WHEREAS the provinces of Canada, Nova Scotia, and New Brunswick have expressed their desire to be federally united into one Dominion under the crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom :

And whereas such a union would conduce to the welfare of the provinces and promote the interest of the British Empire :

And whereas on the establishment of the union by authority of parliament it is expedient, not only that the constitution of the legislative authority in the Dominion be provided for, but also that the nature of the executive government therein be declared :

And whereas it is expedient that provision be made for the eventual admission into the union of other parts of British North America :

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of

the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, as follows :

Appropriation
and tax bills.

53. Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the house of commons.

Recommendation
of money
votes.

54. It shall not be lawful for the house of commons to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not first been recommended to that house by message of the governor-general in the session in which such vote, resolution, address, or bill is proposed.

Appointment
of executive
officers for Ontario and Quebec.

63. The executive council of Ontario and of Quebec shall be composed of such persons as the lieutenant-governor from time to time thinks fit, and in the first instance of the following officers, namely, — the attorney general, the secretary and registrar of the province, the treasurer of the province, the commissioner of crown lands, and the commissioner of agriculture and public works, with, in Quebec the speaker of the legislative council and the solicitor-general

Application to
legislatures of
provisions respecting money
votes, &c.

90. The following provisions of this act respecting the parliament of Canada, namely,—the provisions relating to appropriation and tax bills, the recommendation of money votes, the assent to bills, the disallowance of acts, and the signification of pleasure on bills reserved,—shall extend and apply to the legislatures of the several provinces as if those provisions were here-re-enacted and made applicable in terms to the respective provinces and the legislatures thereof, with the substitution of the lieutenant-governor of the province for the governor-general, of the governor-general for the queen and for a secretary of state, of one year for two years, and of the province for Canada.

92. In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, this is to say,—

Subjects of exclusive provincial legislation.

1. The amendment from time to time, notwithstanding anything in this act, of the constitution of the province, except as regards the office of lieutenant-governor.
2. Direct taxation within the province in order to the raising of a revenue for provincial purposes.
3. The borrowing of money on the sole credit of the province.
4. The establishment and tenure of provincial offices and the appointment and payment of provincial officers.
5. The management and sale of the public lands belonging to the province and of the timber and wood thereon.
6. The establishment, maintenance, and management of public and reformatory prisons in and for the province.
7. The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions in and for the province, other than marine hospitals.
8. Municipal institutions in the province.
9. Shop, saloon, tavern, auctioneer, and other licenses in order to the raising of a revenue for provincial, local, or municipal purposes.
10. Local works and undertakings other than such as are of the following classes,—
 - a. Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the province with any other or others of the provinces, or extending beyond the limits of the province :
 - b. Lines of steamships between the province and any British or foreign country :
 - c. Such works as, although wholly situate within the province, are before or after their execution declared

by the parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces.

11. The incorporation of companies with provincial objects.
12. The solemnization of marriage in the province.
13. Property and civil rights in the province.
14. The administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.
15. The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section.
16. Generally all matters of a merely local or private nature in the province.

Property in
lands, mines,
&c.

109. All lands, mines, minerals, and royalties, belonging to the several provinces of Canada, Nova Scotia, and New Brunswick at the union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the several provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the province in the same.

Assets con-
nected with
provincial
debts.

110. All assets connected with such portions of the public debt of each province as are assumed by that province shall belong to that province.

Canada to be
liable for pro-
vincial debts.

111. Canada shall be liable for the debts and liabilities of each province existing at the union.

Debts of Onta-
rio and Que-
bec.

112. Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt of the province of Canada exceeds at the union sixty-two million

five hundred thousand dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

113. The assets enumerated in the fourth schedule to Assets of Ontario and Quebec. this act belonging at the union to the province of Canada shall be the property of Ontario and Quebec, conjointly.

THE FOURTH SCHEDULE.

Assets to be the Property of Ontario and Quebec conjointly.

Upper Canada building fund.

Lunatic Asylums.

Normal School.

Court Houses in

Aylmer,

Montreal,

Kamouraska.

} Lower-Canada.

Law Society, Upper Canada.

Montreal Turnpike Trust.

University Permanent Fund.

Royal Institution.

Consolidated Municipal Loan Fund, Upper Canada.

Consolidated Municipal Loan Fund, Lower Canada.

Agricultural Society, Upper Canada.

Lower Canada Legislative Grant.

Quebec Fire Loan.

Temiscouata Advance Account.

Quebec Turnpike Trust.

Education—East.

Building and Jury Fund, Lower Canada.

Municipalities Fund.

Lower Canada Superior Education Income Fund.

117. The several provinces shall retain all their respective public property not otherwise disposed of in this act, Provincial public property.

subject to the right of Canada to assume any lands or public property required for fortifications or for the defence of the country.

Grants to provinces.

118. The following sums shall be paid yearly by Canada to the several provinces for the support of their governments and legislatures :

	Dollars,
Ontario.....	Eighty thousand.
Quebec.....	Seventy thousand.
Nova Scotia.....	Sixty thousand.
New Brunswick.....	Fifty thousand.

Two hundred and sixty thousand ;

And an annual grant in aid of each province shall be made equal to eighty cents per head of the population as ascertained by the census of one thousand eight hundred and sixty-one, and in the case of Nova Scotia and New Brunswick, by each subsequent decennial census until the population of each of those two provinces amounts to four hundred thousand souls, at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half yearly in advance to each province; but the government of Canada shall deduct from such grants, as against any province, all sums chargeable as interest on the public debt of that province, in excess of the several amounts stipulated in this act.

Exemption of public lands, &c.

125. No lands or property belonging to Canada or any province shall be liable to taxation.

Provincial consolidated revenue fund.

126. Such portions of the duties and revenues over which the respective legislatures of Canada, Nova Scotia, and New Brunswick had before the union, power of appropriation, as are by this act reserved to the respective governments or legislatures of the provinces, and all duties

and revenues raised by them in accordance with the special powers conferred upon them by this act, shall in each province form one consolidated revenue fund to be appropriated for the public service of the province.

134. Until the legislature of Ontario or of Quebec otherwise provides, the lieutenant-governors of Ontario and Quebec may each appoint under the great seal of the province the following officers, to hold office during pleasure, that is to say,—the attorney-general, the secretary and registrar of the province, the treasurer of the province, the commissioner of crown lands, and the commissioner of agriculture and public works, and, in the case of Quebec the solicitor-general; and may, by order of the lieutenant-governor in council, from time to time prescribe the duties of those officers and of the several departments over which they shall preside or to which they shall belong, and of the officers and clerks thereof; and may also appoint other and additional officers to hold office during pleasure, and may from time to time prescribe the duties of those officers and of the several departments over which they shall preside or to which they shall belong, and of the officers and clerks thereof.

Appointment
of executive
officers for On-
tario and Que-
bec.

135. Until the legislature of Ontario or Quebec otherwise provides, all rights, powers, duties, functions, responsibilities, or authorities at the passing of this act vested in or imposed on the attorney-general, solicitor-general, secretary and registrar of the province of Canada, minister of finance, commissioner of crown lands, commissioner of public works, and minister of agriculture and receiver-general, by any law, statute or ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this act, shall be vested in or imposed on any officer to be appointed by the lieutenant-governor for the discharge of the same or any of them; and the commissioner of agriculture and public works shall perform the duties and functions

Powers, duties,
&c., of execu-
tive officers.

of the office of minister of agriculture at the passing of this act imposed by the law of the province of Canada, as well as those of the commissioner of public works.

DOMINION STATUTE.

36 VICTORIA.

CHAPTER 30.

An Act to re-adjust the amounts payable to and chargeable against the several Provinces of Canada by the Dominion Government, so far as they depend on the debt with which they respectively entered the Union.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS by the provisions of "*The British North America Act, 1867*," and by the terms and conditions under which the Provinces of British Columbia and Manitoba were admitted into the Dominion, Canada became liable for the debts and liabilities of each Province, existing at the time of its becoming part of the Dominion, subject to the provision that each Province should, in account with Canada, be charged with interest at the rate of five per cent. per annum on the amount by which its said debts and liabilities exceeded, or should receive interest at the same rate by half yearly payments in advance, on the amount by which its said debts and liabilities fell short of, certain fixed amounts;

And whereas the amount fixed as aforesaid in the case of the Provinces of Ontario and Quebec, conjointly [as having theretofore formed the Province of Canada], was sixty-two million five hundred thousand dollars (\$62,500,000), and the debt of the said late Province, as now ascertained, exceeded the said sum by ten million five hundred and six thousand and eighty-eight dollars and eighty-four cents

(\$10,506,088.84) for the interest as aforesaid on which the said two Provinces were chargeable in account with Canada;

And whereas it is expedient to relieve the said Provinces of Ontario and Quebec from the said charge, and for that purpose hereafter to consider the fixed amount in their case as increased by the said sum of ten million five hundred and six thousand and eighty-eight dollars and eighty-four cents; and to compensate the other Provinces for this addition to the general debt of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In the accounts between the several Provinces of Canada and the Dominion, the amounts payable to and chargeable against the said Provinces respectively, in so far as they depend on the amount of debt with which each Province entered the Union, shall be calculated and allowed as if the sum fixed by the one hundred and twelfth section of "*The British North America Act, 1867*," were, increase from sixty-two million five hundred thousand dollars, to the sum of seventy-three million, six thousand and eighty-eight dollars and eighty-four cents, and as if the amounts fixed as aforesaid, as respects the Provinces of Nova Scotia and New Brunswick, by "*The British North America Act 1867*," and as respects the Provinces of British Columbia and Manitoba by the terms and conditions on which they were admitted into the Dominion, were increased in the same proportion.

Increase of the sum fixed by B. N. A. Act, as to Quebec and Ontario: and as to other Provinces in same proportion.

2. The subsidies to the several Provinces, in July, one thousand eight hundred and seventy-three, shall be paid in accordance with the foregoing provisions of this acts.

Subsidies in July 1873.

AWARD OF ARBITRATORS.

To all to whom these Presents shall come :

The Honorable JOHN HAMILTON GRAY, of the City of St. John, in the Province of New Brunswick, and the Honorable DAVID LEWIS MACPHERSON, of the City of Toronto, in the Province of Ontario ;

SEND GREETING :

WHEREAS, by the British North America Act, 1867, it is enacted that the division and adjustment of the debts, credits, liabilities, properties, and assets of Upper Canada and Lower Canada shall be referred to the arbitration of three Arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada ;

And whereas, the said John Hamilton Gray was duly chosen under and in accordance with the provisions of the said Act as Arbitrator, by the Government of Canada, the said David Lewis Macpherson, by the Government of Ontario, and the Honorable Charles Dewey Day, of Glenbrooke, in the said Province of Quebec, by the Government of Quebec ;

Now therefore, the said Arbitrators having taken upon themselves the burthen of the said Arbitration, the said John Hamilton Gray and David Lewis Macpherson, being a majority of the said Arbitrators, **DO HEREBY** award, order and adjudge of and upon the premises, as follows, that is to say :

1. That the amount by which the debt of the late Province of Canada, exceeded, on the 30th day of June, one thousand eight hundred and sixty-seven, sixty-two millions five hundred thousand dollars, shall be and is hereby divided between and apportioned to, and shall be borne by the said Provinces of Ontario and Quebec respectively, in the following proportions, that is to say : the said Pro-

vince of Ontario shall assume and pay such a proportion of the said amount as the sum of nine millions eight hundred and eight thousand seven hundred and twenty-eight dollars and two cents bears to the sum of eighteen millions five hundred and eighty-seven thousand five hundred and twenty dollars and fifty-seven cents. And the said Province of Quebec shall assume and pay such a proportion of the said amount as the sum of eight millions seven hundred and seventy eight thousand seven hundred and ninety-two dollars and fifty-five cents bears to the sum of eighteen millions five hundred and eighty-seven thousand five hundred and twenty dollars and fifty-seven cents.

2. That the assets hereinafter in this clause enumerated shall be, and the same are hereby declared to be, the property of and belong to the Province of Ontario, namely :

1. Debt from the Upper Canada Building Fund to the late Province of Canada (enumerated in the fourth Schedule to the said British North America Act, 1867, as Upper Canada Building Fund, Lunatic Asylums, Normal School.)	
Lunatic Asylums.....	\$30,800 00
Normal School.	6,000 00
	\$36,800 00
2. Debt from the Law Society, Upper Canada to the late Province of Canada.....	\$156,015 61
3. Debts to the late Province of Canada under the Consolidated Municipal Loan Fund of Upper Canada.....	6,792,186 39
4. Debt from the Agricultural Society, Upper Canada, to the late Province of Canada...	4,000 00
5. Debt from the University Permanent Fund to the late Province of Canada.....	1,220 63

3. That the assets hereinafter in this clause enumerated

shall be and the same are hereby declared to be the property of and belong to the Province of Quebec, namely :

1. The debt from the Aylmer Court House to the late Province of Canada for six per cent, provincial debentures issued on account of the said Court House, and assumed by the Dominion of Canada, and charged in the debt of the late Province of Canada..... 2,000 00

And for certain charges paid by the said late Province of Canada in respect of the said Court House..... 1,289 70

\$3,289 70

2. Debt from the Montreal Court House to the late Province of Canada for six per cent, Provincial Debentures issued on account of the said Court House, and assumed by the Dominion of Canada, and charged in the debt of the late Province of Canada..... 95,600 00

\$98,839 70

For advances made to the said Court House by the said late Province of Canada..... 18,996 21

\$114,596 21

3. Debt from the Kamouraska Court House to the late Province of Canada for balance of certain charges in respect of the said Court House, paid by the late Province of Canada..... 201 27

4. Debt from the Royal Institution, otherwise McGill College, to the late Province of Canada of the balance of a loan made by the said late Province to that institution. 7,790 00

5. Debt under the Consolidated Municipal

Loan Fund of Lower Canada to the late Province of Canada.....	2,939,429 97
6. Advances made in excess of the Legislative School Grant (described in the fourth schedule to the said British North America Act, 1867, as "Lower Canada Legislative Grant").....	28,494 78
7. Debt to the late Province of Canada under the Quebec Fire Loan.....	264,254 65
8. Debt to the late Province of Canada for advances made to or on account of certain municipalities in the county of Temiscouata, (described in the said fourth schedule as "Temiscouata Advance Account.").....	3,000 00
9. Debt from the Education Office in Lower Canada to the late Province of Canada, for the balance unpaid of a defalcation in the said office to the said late Province, (described in the said fourth section as "Education East.").....	290 10
10. Debt from the Building and Jury Fund Lower Canada, to the late Province of Canada, for loans and advances made to to it by the said late Province of Canada	116,475 51
11. Debt from the Municipalities Fund of Lower Canada to the late Province of Canada, for advances made to, or on credit of that Fund (described in the said fourth schedule as "Municipalities Fund.").....	484,244 33
12. Debt from the Lower Canada Superior Education Income Fund to the late Province of Canada, for advances made from time to time by the said late Province.	234,281 46
13. Montreal Turnpike Trust.....	188,000 00

4. And as to the said Montreal Turnpike Trust the said Arbitrators further find, award and adjudge as follows : *Whereas* the said sum of one hundred and eighty-eight thousand dollars is secured by Debentures issued upon the credit of the said Trust and guaranteed by the late Province of Canada, and the said Trust has hitherto met the payments upon such Debentures and the payment thereof has therefore not been assumed by the Dominion of Canada nor has the said sum of one hundred and eighty-eight thousand dollars been charged by the said Dominion in the debt of the late Province of Canada, which charge, if made, would increase by one hundred and eighty-eight thousand dollars the excess of the said debt on the thirtieth day of June, one thousand eight hundred and sixty-seven above sixty-two millions five hundred thousand dollars.

Now, therefore, the said Arbitrators having assigned the said Trust as an Asset to the said Province of Quebec do hereby adjudge and award, that the said Province of Quebec shall hereafter indemnify, protect and save harmless the said Dominion and the said Province of Ontario against any charge upon or payment by the said Dominion in respect of the said Debentures or the said guarantee, or in respect in any other way of the said Trust.

5. That the following Special or Trust Funds and the moneys thereby payable including the several investments in respect of the same or of them, are, shall be, and the same are hereby declared to be the property of and belong to the Province of Ontario, namely :

- 1 Upper Canada Grammar School.
2. Upper Canada Building Fund.
3. Upper Canada Municipalities Fund.
4. Widow's Pensions and uncommuted Stipends, Upper Canada, subject to the payment of all legal charges thereon.
5. Upper Canada Grammar School Income Fund.

6. Upper Canada Improvement Fund.
7. Balance of Special Appropriations in Upper Canada.
8. Surveys ordered in Upper Canada before 30th June, 1867.
9. Amount paid and payable by Upper Canada to the Canada Land and Emigration Company.

6. That the following Special or Trust Funds and the moneys thereby payable, including the several investments in respect of the same or any of them, are, shall be, and the same are hereby declared to be, the property of and belong to the Province of Quebec, for the purposes for which they were established namely :

1. Lower Canada Superior Education Fund.
2. Lower Canada Superannuated Teacher's Fund.
3. Lower Canada Normal School Building Fund.
4. Widows' Pensions, and uncommuted stipends Lower Canada, subject to all legal charges thereon.
5. Balance of Special Appropriations in Lower Canada.
6. Surveys ordered in Lower Canada before 30th June, 1867.

7. That from the Common School Fund as held on the thirtieth day of June, one thousand eight hundred and sixty-seven, by the Dominion of Canada, amounting to one million, seven hundred and thirty-three thousand, two hundred and twenty four dollars and forty-seven cents, of which fifty-eight thousand dollars is invested in the Bonds or Debentures of the Quebec Turnpike Trust, (the said sum of fifty-eight thousand dollars being an asset mentioned in the said fourth schedule of the British North America Act, 1867, as the Quebec Turnpike Trust) the sum of one hundred and twenty-four thousand six hundred and eighty-five dollars and eighteen cents shall be and the same is hereby taken and deducted and placed to the credit of the Upper Canada Improvement Fund, the said sum of one hundred and twenty-four thousand six

hundred and eighty-five dollars and eighteen cents, being one-fourth part of moneys received by the late Province of Canada between the sixth day of March one thousand eight hundred and sixty-one and the first day of July one thousand eight hundred and sixty-seven on account of Common School lands sold between the fourteenth day of June one thousand eight hundred and fifty-three, and the said sixth day of March one thousand eight hundred and sixty-one.

8. That the residue of the said Common School Fund, with the investments belonging thereto as aforesaid, shall continue to be held by the Dominion of Canada, and the income realized therefrom from the thirtieth day of June, one thousand eight hundred and sixty-seven, and which shall be hereafter realized therefrom shall be apportioned between and paid over to the respective Provinces of Ontario and Quebec as is directed by the fifth section of chapter twenty-six of the Consolidated Statutes of Canada with regard to the sum of two hundred thousand dollars in the said section mentioned.

9. That the moneys received by the said Province of Ontario since the thirtieth day of June, one thousand eight hundred and sixty-seven, or, which shall hereafter be received by the said Province from or on account of the Common School Lands set apart in aid of the Common Schools of the late Province of Canada shall be paid to the Dominion of Canada, to be invested as provided by section three of said chapter twenty-six of the Consolidated Statutes of Canada. And the income derived therefrom shall be divided, apportioned and paid between and to the said Provinces of Ontario and Quebec respectively, as provided in the said fifth section of chapter twenty-six of the Consolidated Statutes of Canada, with regard to the sum of two hundred thousand dollars in the said section mentioned.

10. That the Province of Ontario shall be entitled to retain out of such moneys six per cent, for the sale and management of the said lands, and that one-fourth of the proceeds of the said lands sold between the fourteenth day of June, one thousand eight hundred and fifty-three, and the said sixth day of March, one thousand eight hundred and sixty-one, received since the thirtieth day of June, one thousand eight hundred and sixty-seven, or which may hereafter be received, after deducting the expenses of such management as aforesaid, shall be taken and retained by the said Province of Ontario for the Upper Canada Improvement Fund.

11. The Crown Land Suspense Account, amounting to one hundred and twelve thousand seven hundred and forty-eight dollars and sixty-three cents, and the Crown Lands Department Account, amounting to two hundred and three thousand and eighty-nine dollars and seventy-six cents, being the items so described in the Public Accounts of the late Province of Canada having been omitted respectively from the statement of the debt of the said Province in such accounts, and from the assets in the fourth schedule to the British North America Act, 1867; the said Arbitrators award and adjudge that the said Province of Ontario shall satisfy all claims, and receive all moneys, in respect of the said Crown Lands Suspense Account, and the said Crown Lands Department connected with or arising from lands situated in the said Province of Ontario. And that the said Province of Quebec shall satisfy all claims, and receive all moneys, in respect of the said Crown Lands Suspense Account, and the said Crown Lands Department, connected with or arising from lands situate in the said Province of Quebec.

12. As to the Montreal Harbour, the said Arbitrators find that the debt due on account of four hundred and

eighty-one thousand four hundred and twenty-five dollars and twenty-seven cents, secured by debentures issued by the Montreal Harbour Commissioners, has not been charged in the statement of the debt of the late Province of Canada.

And they award and adjudge that, should the Dominion of Canada hereafter pay anything, by reason of the liability of the said Dominion on account of the said debentures, the said two Provinces shall repay to the said Dominion any sums so paid, in the same proportion respectively, as the said Provinces are hereinbefore directed to bear, and pay the excess, on the thirtieth day of June, one thousand eight hundred and sixty-seven, above sixty-two millions five hundred thousand dollars of the debt of the late Province of Canada.

13. That all the lands in either of the said Provinces of Ontario and Quebec, respectively, surrendered by the Indians in consideration of annuities to them granted, which said annuities are included in the debt of the late Province of Canada, shall be the absolute property of the Province in which the said lands are situate, free from any further claim upon or charge to the said Provinces in which they are so situate, by the other of the said Provinces.

14. As to all the personal property, being the joint property of the said Provinces of Ontario and Quebec, not hereinbefore specially mentioned or dealt with, and not appropriated by the said British North America Act, 1867, including the Library of Parliament at Ottawa, the Arbitrators find that it is not expedient to divide the said properties, or to divert them from the public purposes for which they are used and required by the Dominion of Canada. They therefore find and award that the value of the said properties is and shall be taken to be two hundred thousand dollars, and that the Dominion of Canada

may retain and acquire the same properties on payment to the said Provinces of the said sum of two hundred thousand dollars in the same proportion as is mentioned in the first paragraph hereof in respect of the excess of debt of the late Province of Canada on the thirtieth day of June, one thousand eight hundred and sixty-seven above sixty-two millions five hundred thousand dollars "that is to say : " To Ontario the sum of one hundred and five thousand five hundred and forty-one dollars, and to Quebec the sum of ninety-four thousand four hundred and fifty-nine dollars, and upon such payment the Dominion of Canada shall become the absolute owner of the said properties. But should the Dominion of Canada not so acquire the said properties within two years from the date of this award, the Province of Quebec may acquire the said properties by the payment to the Province of Ontario, within two months from the expiration of the said two years, of the sum of one hundred and five thousand and five hundred and forty-one dollars. And should the Province of Quebec not so acquire the said properties within the time aforesaid the Province of Ontario shall within three months next thereafter pay to the Province of Quebec the sum of ninety-four thousand four hundred and fifty-nine dollars, and shall thereupon become the absolute owner of the said properties.

15. That the several sums awarded to be paid and the several matters and things awarded and directed to be done by or with regard to the parties to this reference respectively as aforesaid shall respectively be paid, received, done, accepted and taken as and for full satisfaction and discharge and as a final end and determination of the several matters aforesaid.

In witness whereof the said John Hamilton Gray and David Lewis MacPherson, two of the said Arbitrators, have hereunto set their hands this third day of September,

in the year of Our Lord, one thousand eight hundred and seventy.

J. H. GRAY,
D. L. MACPHERSON.

Signed and published the third day
of September, 1870, in presence of
Christopher Robinson of the City of
Toronto, Barrister at law.

FRED. FINCH
of the City of Toronto,
Law-Stationer.

JUDGMENT OF THE PRIVY COUNCIL.

AT THE COURT AT WINDSOR, THE 28TH DAY OF MARCH,
1878.

Present :—*The Queen's most Excellent Majesty.*

<i>Lord President</i>	<i>Lord Chamberlain</i>
<i>Lord Privy Seal</i>	<i>Earl of Derby</i>
<i>Duke of Devonshire</i>	<i>Mr. Watson.</i>

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 11th of March, 1878, in the words following, viz :

“YOUR MAJESTY having been pleased by Your Order in Council of the 22nd December, 1877, to refer unto this Committee a matter or special case concerning the validity of an award made or purporting to have been made in an arbitration between the Province of Ontario and the Province of Quebec, in the Dominion of Canada, under the British North America Act, 1867, for hearing and consideration and to order this Committee to advise Your Majesty on certain facts and questions as

stated in the said special case as agreed upon by the Governments of the two Provinces which has been transmitted by the Governor General of Canada in Council to Your Majesty's Secretary of State for the Colonies in the words following, viz :—

- " 1. Whether under the circumstances stated in the said special case the said John Hamilton Gray had become disqualified to act or continue acting as arbitrator ?
- " 2. Whether after a hearing before the three arbitrators two of them could legally render a decision or award, and if yea, could they do so in the absence of the third ?
- " 3. Whether after the subsequent *ex parte* hearing before two arbitrators in the absence of the third, these two could legally render a decision ?
- " 4. Whether the arbitrator appointed by Quebec had the right to resign, whether the Government of Quebec had the right to accept his resignation and to revoke his appointment, and whether such resignation or revocation was effectual and valid ?
- " 5. Whether after one of the arbitrators had so resigned his office and his resignation had been so accepted and his authority had been so revoked the remaining two could legally proceed to hear the case and to make a final award ?
- " 6. Whether the award of the 3rd of September, 1870, by the said Honorable David Lewis Macpherson and John Hamilton Gray, in the said special case mentioned, is valid (save as affected by the Dominion Act therein set forth) or is null and void ?

"THE LORDS OF THE COMMITTEE in obedience to Your Majesty's said Order of Reference have taken the said special case into consideration and having heard Counsel for the Province of Ontario, and likewise for the Province of Quebec, their Lordships do this day agree humbly to advise Your Majesty that under the circumstances stated in the special case (to which circumstances all their answers must be taken to refer):

- "1. John Hamilton Gray had not become disqualified to act as arbitrator.
- "2. That after a hearing before the three arbitrators two of them could legally render a decision or award and could do so in the absence of the third absenting himself under the circumstances stated.
- "3. That after the subsequent *ex parte* hearing before two arbitrators in the absence of the third then two could legally render a decision.
- "4. That the arbitrator appointed by Quebec had not the right to resign and the Government of Quebec had not the right to accept his resignation and to revoke his appointment and such resignation and revocation were not effectual and valid.
- "5. That after one of the arbitrators had so affected to resign his office and his resignation had been so accepted and his authority had been so affected to be revoked the remaining two could legally proceed to hear the case and to make a final award.
- "6. That so far as regards any objection made to the award in the special case the award of the 3rd of September 1870 is valid (save as affected by the Dominion Act therein set forth)."

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the said recommendations and advice of the Lords of the Judicial Committee of the Privy Council be adopted and that the same be punctually observed, obeyed and carried into execution as the decision of Her Majesty upon this special case. Whereof the Governor-General of the Dominion of Canada, the Lieutenant-Governor or Commandant-in-Chief of the same for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

C. L. PEEL.

CONSOLIDATED STATUTES OF CANADA.

CHAPTER 26.

An Act respecting the Public School Lands and Fund for Education.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Commissioner of Crown Lands, having, under the provisions of the Act 12 V. c. 200, and under the direction of the Governor in Council, set apart and appropriated one million of Acres of Public Lands for Common School purposes, and portions thereof having been disposed of under the said authority, the remainder shall be disposed of by the Commissioner, on such terms and conditions as may by the Governor in Council be approved, and the money arising from the sale or disposal of any portion of the said lands shall remain or be invested and applied towards creating a capital sum sufficient at the rate of six per cent per annum interest to produce a clear

Appropriation
of one million
acres for Com-
mon School
Fund.

sum of four hundred thousand dollars per annum, and such capital and the income therefrom shall form the Common School Fund : But before any appropriation of the moneys arising from the sale of such Lands shall be made, all charges thereon for the management or sale thereof, and all Indian annuities charged upon such lands or moneys, shall be first paid.

Certain charges to be first paid.

Moneys arising from the sale of lands, &c., to form part of said Common School Fund.

2. All moneys arising after the twenty-seventh day of May, one thousand eight hundred and fifty, from the sale of any Public Lands of the Province, shall remain or be set apart as part of the capital of the said Common School Fund until the same is sufficient at the rate aforesaid to produce the said sum of four hundred thousand dollars per annum.

The said Fund to be invested in Provincial Debentures, &c., for the purpose of creating an annual income.

3. For the purpose of creating such Annual Income, the Capital of the said Fund shall from time to time remain or be invested in the Public Debentures of this Province, or in the Debentures of any Public Company or Companies in the Province, incorporated by Act of the Legislature for the construction of works of a public nature, and which having subscribed their whole Capital Stock, have paid up one half of such Stock and completed one half of such Work or Works ;

Fund and income not to be alienated for any other purpose.

2. And the said Fund and the Income thereof shall not be alienated for any other purpose whatever, but shall remain a perpetual Fund for the support of Common Schools, and the establishment of Township and Parish Libraries.

Grant in aid of the said Fund.

4. For the establishment, support and maintenance of Common Schools in this Province, until the said Common School Fund produces a net yearly income of two hundred thousand dollars or upwards, there shall be granted to Her Majesty, yearly, the sum of two hundred thousand dollars, and such sum shall be composed and made up of

the annual income and revenue derived from the permanent fund hereinbefore mentioned, and of such further sum as may be required to complete the same, out of any unappropriated moneys raised and levied by the authority of the Legislature, for the public uses of this Province; Annual Common School Fund. and the said annual grant shall constitute the Common School Fund.

5. The said sum of two hundred thousand dollars annually, shall, from year to year, be apportioned by order of the Governor of this Province, in Council, between Upper and Lower Canada, in proportion to the relative numbers of the Population of the same, respectively, as such numbers shall, from time to time, be ascertained by the census next before taken in each of the said divisions, respectively. Such grant to be apportioned between U. C. and L. C.

6. So soon as a net Annual Income of two hundred thousand dollars shall be realised from the said Permanent Fund, the said grant out of the Provincial Revenue shall cease, and in the mean time the interest arising from the said Permanent School Fund shall be annually paid over to the Receiver General, and applied towards the payment of the yearly grant of two hundred thousand dollars; Grant out of the Provincial Revenue to cease after a certain time. But if in any year after the said annual sum of two hundred thousand dollars is taken off the Consolidated Revenue, the income arising from the said Permanent Fund from any cause whatever falls short of the annual sum of two hundred thousand dollars, then the Receiver General of the Province shall pay out of the said Consolidated Revenue such sums of money as are from time to time required to make up the deficiency, but such sums shall be repaid out of any excess of the Income of the said Permanent School Fund in any year over the said sum of two hundred thousand dollars per annum. Grant to make up deficiency in any year.

7. The Governor in Council may reserve out of the pro- A certain sum may be reserved.

ed out of the
proceeds of
school lands
for public im-
provements in
the county.

ceeds of the Schol Lands in any County, a sum not exceed-
ing one fourth of such proceeds, and out of the proceeds of
unappropriated Crown Lands in any County a sum not
exceeding one fifth thereof,—such sums to be funds for
public improvements within the County and to be ex-
pended under the direction of the Governor in Council ;

Accounts to be
laid before
parliament

Percentage of
charges limit-
ed.

2. The particulars of all such sums, and of the expendi-
ture thereof shall be laid before Parliament within the first
ten days of each Session ; and not exceeding six per cent.
on the amount collected, including surveys, shall be
charged for the sale and management of lands forming
part of the One Million of Acres of Land set apart in the
Huron Tract for the Common School Fund.

45 VICTORIA

CHAPTER 2.

An Act respecting the Executive Council.

[Assented to 27th May, 1882.]

HER MAJESTY, by and with the advice and consent
of the Legislature of Quebec, enacts as follows :

Composition of
the Executive
Council.

1. The Executive Council of the Province of Quebec is
composed of such persons as the Lieutenant-Governor,
from time to time, deems expedient to appoint.

Number of
officers and
their titles.

2. The Lieutenant-Governor may appoint under the
great seal of the Province, from among the members of the
Executive Council, the following officers, who remain in
office during pleasure : the attorney-general, the provincial
secretary and registrar, the provincial treasurer, the com-
missioner of crown lands, the commissioner of agriculture
and public works, and the commissioner of railways.

3. Of these officers, the person holding the recognized ^{their salary.} position of first minister, receives an annual salary of five thousand dollars, and the others receive an annual salary of four thousand dollars, without prejudice to their indemnity as members of the Legislative Council or Legislative Assembly.

4. The powers, duties and functions of the officers, ^{Their several powers, duties and functions may be conferred on other members of the Council.} forming part of the Executive Council, may, from time to time, by order in council, be conferred, in whole or in part, for a limited term or otherwise, upon any other of these officers.

5. All contrary constitutional provisions are amended ^{Contrary provisions amended.} in the sense of this act, and all statutory provisions, contrary to this act are repealed.

6. This act shall come into force on the first day of ^{Act in force.} July, 1882.

31 VICTORIA.

CHAPTER 9.

An Act respecting the Treasury Department and the public revenue, expenditure and accounts.

(Assented to 24th February, 1868.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

PRELIMINARY-INTERPRETATION

1. The words "public revenue" or "revenue" or "public money" mean all revenue and public moneys arising ^{Interpretation of "public revenue," "revenue," "public money,"} from any source whatever,—whether such revenue and moneys belong to the Province, or are held by the Province, or collected or held by officers of the Province for or on account of or in trust for any other Province forming part

of the Dominion, or for the Dominion, or for the Imperial Government, or for any other party.

and "revenue officers."

2. The words "revenue officer" mean any person employed in collecting, managing or accounting for revenue, or in carrying into effect any laws relating thereto, or in preventing the contravention of any such laws; and, so far as regards accounting for and paying over such revenue, the said words include any person who, either before or since the Union, has received or been entrusted with any public money, whether such person was regularly employed for such purpose or not.

Formation of consolidated revenue fund.

3. All revenue whatever, however arising or received, over which the legislature of this province has power of appropriation, shall form one consolidated revenue fund, to be appropriated for the public service of the Province.

Fund to be chargeable with its own expenses subject to audit.

4. Such consolidated revenue fund shall be permanently charged with all the costs, charges and expenses incident to the collection, management and receipt thereof; such costs, charges and expenses being subject nevertheless to audit, and to Legislative review and vote.

Consolidated fund charged with loans and debts of province.

4a. The consolidated revenue fund shall be also charged with all loans and other debts, heretofore contracted or which shall be contracted, under any act whatsoever of this Legislature, by the Provincial Government, by means of the issue of Provincial debentures or otherwise, as also with the interest on such loans, debentures or debts, and with the various sinking funds established for their extinction. *Added by 40 Vict., cap. 5, sec. 1.*

Money votes to be first recommended by Lieutenant-Governor.

5. The Legislative Assembly shall not adopt or pass any vote, resolution, address or bill, for the appropriation of any part of such consolidated revenue fund, or of any tax or impost, to any purpose which has not been first recommended to the said Legislative Assembly, by message

of the Lieutenant Governor during the Session in which such vote, resolution, address or bill is proposed.

GENERAL COLLECTION AND MANAGEMENT OF THE REVENUE.

6. The Lieutenant Governor in Council may from time to time determine what revenue officers it is necessary to employ; and may assign their names of office, and fix their salaries or pay, and appoint the times and manner in which the same shall be paid; but no such officer shall receive a higher salary than is allowed in his case by any Act of the Legislature then in force; nor shall any such salary be paid unless voted by the Legislature.

Appointments
and salaries
of revenue of-
ficers.

7. The salary or pay allowed to any such officer shall be in lieu of all emoluments of any kind whatever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties; and no such officer employed on the staff of any public department, or receiving a salary at or exceeding the rate of one thousand dollars per annum, shall exercise any other employment whatever, with a view to derive profit therefrom, directly or indirectly, or shall hold any other office of profit whatever, unless it be with the express permission of the Lieutenant Governor in Council.

Salary to ex-
clude all other
emoluments,
unless per-
mitted.

8. No revenue officer shall be compelled to serve in any other public office, or in any municipal or local office or on any jury or inquest, or in the militia.

Revenue off-
icers exempt
from certain
services.

9. Every revenue officer shall, at his admission to office, take the following oath, before such person as the Lieutenant Governor may appoint to receive the same, that is to say:

Oath to be
taken by them.

"I, A. B., do swear that I will be faithful in the execution of the trust committed to my charge by my appointment as _____, and that I will not ask or receive

any money, service, value or thing whatever, directly or indirectly, for anything done or to be done in the execution of any of the duties of my said office, other than my salary or what shall be allowed me by law, or by order of the Lieutenant Governor in Council.—So help me God.

Province may be divided into revenue districts; and regulations may be made concerning officers and their business.

10. The Lieutenant Governor in Council may from time to time divide the Province into revenue districts for the collection or management of the revenue,—and may assign revenue officers for any such district, and the place or places within the same, where their duty shall be performed,—and may make such regulations concerning such officers and the management of the business to them entrusted, as are consistent with the law, and as he deems expedient for the public good;—And any general regulation made by the Lieutenant Governor in Council under the provisions of this act, shall apply to each particular case within the intent and meaning of such regulation as fully and effectually as if the same had been made with reference to such particular case, and as if the officers or persons concerned had been specially named therein. *Order in Council establishing revenue divisions passed 3rd February, 1871.*

What shall be sufficient evidence of such regulations.

2. A copy of any regulation or order of the Lieutenant Governor in Council, printed by the Queen's Printer, or a written copy thereof attested by the signature of the Clerk of the Executive Council, shall be evidence of such regulation or order; and any order in writing, signed by the Secretary of the Province, and purporting to be written by command of the Lieutenant Governor, shall be received in evidence as the order of the Lieutenant Governor.

Officer designated by Lieut. Gov., deemed to be proper officer.

11. Every revenue officer employed on any duty or service by the orders or with the concurrence of the Lieutenant Governor in Council, shall be deemed to be the proper officer for that duty or service;—and everything required by any law to be done by, to or with any particular officer designated for that purpose in such law, shall when done

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by, to or with any person appointed or authorized by the Lieutenant Governor in Council to act in behalf of such particular officer, be deemed to be done by, to, or with such particular officer.

2. And everything required by law to be done at any particular place within any such revenue district, shall, when done at any place within such district, appointed by the Lieutenant Governor in Council, for such purpose, be deemed to be done at the particular place so required by law.

Place designated by Lieutenant-Gov. deemed to be the proper place.

12. Any revenue officer employed for any branch of the revenue, may be employed for any other branch thereof, whenever it is deemed advantageous for the public service so to employ him.

Revenue officers removable from one branch into another.

13. The Lieutenant Governor in Council may, from time to time, appoint the hours of general attendance of the revenue officers at their places of employment,—and may also appoint the times during such hours, or the seasons of the year, at which any particular portions of their duties shall be performed; and a notice of the hours of general attendance so appointed shall be kept constantly posted up in some conspicuous place in such places of employment.

Office hours.

14. The Lieutenant Governor in Council may direct any revenue officer to keep any books or accounts, for the purpose of obtaining any statistical information touching the resources or public works of the Province, or other matters of public interest, and may authorize any necessary expense for such purpose.

Lieut. Gov. may order books to be kept.

15. The Lieutenant Governor in Council may, from time to time, assign the immediate oversight and control of any revenue officers, or classes of revenue officers, to such of the public departments as may be deemed convenient;

Control of revenue officers.

and in default of other assignment, such immediate oversight and control shall rest with the Treasury Department

All revenue to be paid in to credit of Treasurer.

16. All revenue shall be paid in to the credit of the Treasurer, through such officers, banks or parties, and in such manner as the Lieutenant Governor in Council may from time to time direct.

Time and mode of accounting for public moneys—duties and stamps.

17. The Lieutenant Governor in Council may from time to time appoint the times and mode in which any revenue officer shall account for and pay over the public moneys which come into his hands,—and may determine the times, manner and form in which and the officer by whom, any licenses on which any duty is payable, and any stamps for collection of revenue, are to be issued,—but such accounts and payments shall be rendered and made by such officers, at least once in every three months:

Moneys how deposited and paid out.

18. Every revenue officer, on receiving public money, shall forthwith deposit the same in his name of office, in such bank as the Lieutenant Governor in Council may appoint; and no money so deposited shall be paid out again except for the purpose of being placed to the credit of the treasurer, on the written order or official check of the officer so depositing, or his successor, to whom the bank shall grant a certificate in duplicate of its being so credited; and every such officer shall keep his cash book written up daily, and all his books, accounts and papers shall at all times during office hours be opened to the inspection of any person whom the treasurer may authorize to inspect the same; but where such money is received at a place where there is no bank into which it can conveniently be paid, the Lieutenant Governor in Council may direct it to be paid over in such manner as he may deem expedient.

TREASURER AND TREASURY DEPARTMENT.

19. All rights, powers, duties, functions, responsibilities ^{Powers and duties of Treasurer.} and authorities, at the time of the passing of the "British North America Act, 1867" vested in or imposed on the Minister of Finance and Receiver General, respectively, of the late Province of Canada, by law, and not repugnant to the said Act, have been by the said Act vested in and imposed on the treasurer; and continue so to be, save only in so far as the same may be modified or affected by this Act, or by any other Act of the Legislature, or by any lawful order of the Lieutenant Governor in Council.

2. The Lieutenant Governor in Council may from time ^{Other duties may be assigned to him.} to time assign to the Treasurer any other duties or functions, not repugnant to any Act of the Legislature.

20. There shall be employed on the staff of the Treasury department, under appointment by the Lieutenant Governor, an Assistant Treasurer, and an auditor, both of ^{Appointment of Assistant-Treasurer and Auditor; their duties.} whom shall be commissioned under the great seal, and such other officers and persons as may be deemed necessary; and their respective duties, in all matters not expressly regulated by law, shall be such as may from time to time be assigned them by order of the Lieutenant Governor in Council, or subsidiarily thereto, by the Treasurer.

21. The accounts of the Province shall be kept by ^{Accounts of the province—how kept.} double entry in the Treasury Department, under such regulations for assurance of their fulness and accuracy, and as to the measure of oversight and responsibility attaching in regard to them to the Assistant Treasurer, and to the Auditor respectively, as the Lieutenant Governor by order in Council, or (subject to all such orders) the Treasurer, may make from time to time.

22. Such accounts shall be kept in dollars and cents; ^{In dollars and cents.} and all accounts to be rendered to the Provincial Govern-

ment or to any public officer or department, shall be rendered in dollars and cents.

Fiscal year.

23. The fiscal year of the province shall be the period from the thirtieth of June in one year to and including the thirtieth of June in the next year.

Annual statement of revenue and expenditure to be prepared.

24. As soon as practicable after the close of each fiscal year, there shall be prepared in the Treasury Department, for submission to the Legislature at its next Session, a statement of the Public Accounts for such year, showing clearly and fully the several revenues and expenditures of the Province for the year,—the state of the consolidated revenue fund, and of all trust and special funds under the management of the Provincial Government,—and all matters requisite to explain the financial transactions and position of the Province during and at the close of such year.

Lieut.-Gov. may alter period of accounting.

25. The Lieutenant Governor in Council may alter the period at or to which any accountant for public moneys, public officer, corporation or institution, is required to render any account or to make any return, whenever in his opinion such alteration will facilitate the correct preparation of such statement of the public accounts or of the estimates, anything in any act to the contrary notwithstanding.

What period to be covered by estimates.

26. All estimates submitted to the Legislature shall be for the services coming in course of payment during the fiscal year, or during such other term as such estimates may expressly purport to cover; and all balances of appropriation remaining unexpended at the close of such fiscal year or other term, shall lapse and be written off.

Estimates to contain certain different items in different columns.

Such estimates shall contain, the statutory appropriations in one column, which do not require to be voted upon by the Legislature year by year, and in another column the respective amounts required for any service in addition to

such statutory appropriations, or otherwise, as the case may be, and for which a vote of the Legislature is required, to authorize the expenditure of the same. *Added by 36 Vict., cap. 6, sec. 1.*

It shall be the duty of the Treasurer to deposit, at interest, any unexpended balance of appropriations made by the Legislature, specially for Protestant educational or Roman Catholic educational purposes, and to give in the public accounts a statement of such amounts with the interest received thereon, which shall be subject to the control and direction of the Lieutenant Governor in Council before distribution thereof, and on receipt by the Treasurer of such order in Council, any payment ordered as above shall be paid and charged against such deposit. *Added by 36 Vic., cap. 6, sec. 2.*

Certain balances of appropriations for education to be placed at interest.

How they may afterwards be paid.

27. The Lieutenant Governor in Council may from time to time, should such course be deemed advisable, direct the treasurer to invest any portion of the consolidated revenue fund not presently required for expenditure, in public securities of the Dominion of Canada; and may afterwards, whenever requisite to meet expenditure, direct him to dispose thereof to that end, in such manner, on such terms and to such amount, as may be deemed most for the public advantage.

Surplus revenue how invested or disposed of.

2. The Lieutenant Governor in Council may also from time to time, in case of exigency arising out of failure of the revenue from unforeseen causes, direct the Treasurer to effect any needed temporary loans chargeable on the consolidated revenue fund, in such manner and form, in such amounts, payable at such periods and bearing such rates of interest, not exceeding six per cent per annum, as the Lieutenant Governor in Council may authorize; but such loans shall not exceed the amount of the deficiencies in the said consolidated revenue fund to meet the charges placed thereon by law, and shall not be applied to any other purposes whatever.

Loans how affected and applied.

Expenditures
to be made
under warrant
and by checks
signed and
countersigned.

28. All expenditure of public moneys shall be made by official check on some bank, upon the warrant of the Lieutenant Governor, signed by himself or by such deputy as he may commission to that end ; such check being signed by the Treasurer or Assitant Treasurer, and countersigned by the Auditor.

Who may be
deputed to
sign and coun-
tersign checks.

2 In absence of the Assistant-Treasurer or Auditor, any other officer of the department being thereto deputed by him with approval of the Treasurer, may sign or countersign such check.

Through what
departments
moneys shall
be applied for.

29. The Lieutenant Governor in Council may from time to time direct through what department or departments, and under what regulations otherwise, the various descriptions of application for expenditure of public moneys, or any thereof, shall pass to the Treasury department ; and no such expenditure shall be made or authorized, or warrant therefor issued, unless upon application duly reaching the Treasury department in the course so indicated.

Certain insti-
tutions to
render quar-
terly accounts.

30. All institutions and establishments sustained at public expense, shall render quarterly (and oftener, if required by the treasurer) their accounts in detail, for the purpose of being audited, accompanied by proper vouchers for the expenditure of the moneys received by them ; and whenever such accounts or vouchers are insufficient or irregular, or not rendered to his satisfaction, the Treasurer shall require the parties to supply all omissions and correct all irregularities, and shall suspend all further advance or payment to the institution or establishment in question, until such accounts and vouchers have been properly furnished.

Consequence of
failure to do so.

Certain insti-
tutions to
make yearly
reports.

31. All institutions, establishments, associations and bodies, sustained or in part aided at public expenses, shall render yearly on or before the thirty first of July, in

such form as from time to time may be required by the Lieutenant Governor in Council, full report of their condition, management and progress, and also all statistical returns which may from time to time be required of them by the Lieutenant Governor in Council.

32. The Secretary Treasurer or Treasurer of every municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund of the late Province of Canada, shall, so long as any part of such sum or of the interest thereon remains unpaid by such municipality, transmit to the Treasurer, on or before the thirtieth day of January or such other day in every year as may be ordered by the Lieutenant Governor in Council, a return certified under his oath before some Justice of the Peace, setting forth the amount of moveable property in such municipality according to the then last assessment roll or rolls, a true account of all the assets, debts and liabilities of such municipality, and all such information and particulars as to the resources, debts and liabilities thereof as the Lieutenant Governor in Council may from time to time require.

Annual return to be made by municipalities indebted to municipal loan fund.

33. The Lieutenant Governor in Council may, from time to time, direct through what department or departments the various accounts and returns referred to in the last three preceding sections, or any thereof shall be rendered, for transmission to the Treasury Department; and in default of other direction, the same shall be rendered directly to the Treasury Department.

To whom such accounts and returns shall be rendered.

BOARD OF AUDIT, AND ITS POWERS AND DUTIES.

34. The Lieutenant Governor may, by letters-patent under the great seal, constitute and appoint, during pleasure, a board of audit, whose duty it shall be, under the direction and supervision of the Treasurer, from time to time, to examine into and report on all matters coming

Appointment and duties of board of audit.

before them, as hereinafter provided, or upon reference to them by the Treasurer.

Who shall
compose board
of audit.]

35. The Board shall consist of the Assistant Treasurer and Auditor, and of such deputy heads of other departments having oversight or control in matters of revenue or expenditure, as the Lieutenant Governor by such letters-patent may designate; and the Auditor shall be the Chairman of the Board.

Absent mem-
bers how re-
placed.

36. The Lieutenant Governor may in case of the illness or absence of any member of the board, authorize any officer of the same Department to perform all or any of the duties of the absent member as such.

Preliminary
audit of cer-
tain accounts
by each mem-
ber.

37. Each member of the Board, other than the Auditor, shall severally audit in the first instance the details of the accounts of such department or departments (including those of all officers and persons under the oversight and control thereof) as may be assigned him by the Lieutenant Governor in Council, and shall be responsible for the correctness of such audit.

Other accounts
to be audited
by auditor.

38. The Auditor shall examine, check and audit all other accounts of receipt and expenditure of public moneys, whether appertaining to the Province, or received or expended by the Province on account of, or in trust for any other party or parties; and all accounts of receipt and expenditure which are required to be primarily audited by other members of the Board, shall nevertheless be submitted to the Auditor for review and final audit.

Board to de-
cide differ-
ences between
Auditor and
any other
member.

39. In case of any difference of opinion between the Auditor and any other member of the Board on any point connected with accounts in charge of such other member, the matter shall be submitted to the Board; and any member may bring any question of audit before the Board, although it may not relate to the department under his charge.

2. Upon all matters of importance, the Board shall report Board to report to Treasurer. to the Treasurer; and no decision of the Board shall be binding until it has been approved by him; and when any such report is made, any member of the board may record his dissent on the minutes and may submit to the Treasurer a minority report.

40. The board of audit shall frame regulations respecting the method of book-keeping to be used in the several Regulations to be framed by board of audit. departments and by the several sub-accountants of the Province, the issuing of warrants, the accounting for public moneys and the auditing of accounts thereof, and shall submit such regulations to the Lieutenant Governor in Council through the Treasurer; and from time to time may suggest any amendments which they may deem advisable in such regulations, and submit them in like manner; and any Order in Council made on any of these subjects, shall have the force of law until revoked or amended as it may be, by any subsequent order.

41. The board of audit shall examine the yearly statement of the public accounts, and submit thereon to the Treasurer their report, for communication to the Legislature. Board to report upon the yearly statement.

42. The board of audit may examine any person on oath or affirmation on any matter pertinent to any account submitted to it for audit, and such oath or affirmation may be administered by any member of the board. Power to examine on oath.

43. Any member of the board, duly authorized by it, may apply, in term or in vacation, to any Judge of the Superior Court, for an order that a subpoena be issued from the Court commanding any person therein named to appear before the said board at the time and place mentioned in such subpoena, and then and there to testify to all matters within his knowledge relative to any account submitted to the board, and (if the board so desire) to bring Mode of compelling evidence.

with him and produce to the board any document, paper or thing which he may have in his possession relative to such account as aforesaid ; and such subpœna shall issue accordingly upon the order of such Judge.

Board may
issue commis-
sions to take
evidence.

44. If by reason of the distance at which any person whose evidence is required by the board resides from the place where its sittings are held, or for any other cause, the board deems it advisable, they may issue a commission under the hands and seals of any two members of the board, to any officer or person therein named, empowering him to take such evidence, and report the same to them ;

Power of Com-
missioners.

and such officer or person being first sworn before some Justice of the Peace faithfully to execute the duty entrusted to him by such commission shall, with regard to such evidence, have the same powers as the board, or any member thereof, would have had if such evidence had been taken before the board, and may in like manner, apply to and obtain from any Judge of the Superior Court, a subpœna for the purpose of compelling the attendance of any person, or the production of any document, paper or thing before him ; and such subpœna shall issue accordingly on the order of such Judge, or such subpœna may issue on the application of any member of the board authorized to make such application, to compel such attendance, or the production of any document, paper or thing before such commissioner.

Penalty for
refusal to give
evidence.

45. If any person so summoned to attend before the board of audit or any commissioner appointed as aforesaid, fails, without valid excuse, to attend accordingly,—or, being commanded to produce any document, paper or thing in his possession, fails to produce the same,—or refuses to be sworn or to answer any lawful and pertinent question put to him by the board or by such commissioner,—such person shall, for each such offence, incur a penalty of one hundred dollars, and may likewise be dealt with by the

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Court out of which the subpoena issued, as having refused to obey the process of such Court, and as being guilty of a contempt thereof.

SPECIAL DUTIES OF AUDITOR.

46. The Auditor shall see that no warrant issues for the payment of any public money for which there is no direct legislative appropriation, or in excess of any portion of such appropriation the expenditure of which has been authorized by the Lieutenant Governor in Council; and he shall report to the Lieutenant Governor in Council through the Treasurer, any case in which a department or sub-accountant has expended money out of the proceeds of any accountable warrant, for any purpose for which there is no sufficient authority, or beyond the amount for which there is such authority.

Duties of Auditor.

47. No money warrant shall issue except upon the certificate of the Auditor that there is legislative authority for the expenditure; but nevertheless :

No warrant to issue without his certificate.

1. If, upon any application for a warrant, the Auditor has reported that there is no legislative authority for issuing it, and the written opinion of the law officer of the Crown is then given that there is such authority, citing it, the Treasurer may authorize the preparation of the warrant irrespectively of the Auditor's report.

Except upon opinion of law officers;

2. If, when the Legislature is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by the Legislature is urgently and immediately required for the public good, then upon the report of the Treasurer that there is no legislative provision, and of the Minister having charge of the particular service in question, that the necessity is urgent, the Lieutenant Governor in Council may order a special warrant to be pre-

or in certain cases of re-urgency.

pared, for the issue of the amount estimated to be required; which warrant shall be signed by the Lieutenant Governor himself and the amount thereof shall be placed by the Treasurer to a special account, against which warrants may issue from time to time in the usual form, as they may be required.

Powers of the auditor.

In the absence of the Treasurer, or in the case of vacancy in the office of Treasurer, the Auditor is authorized to make the said report." *As amended by 42 & 43 Vict., cap. 5, sec 1*

Auditor to prepare statement of such exceptional cases.

3. It shall be the duty of the Auditor in all such cases to prepare a statement of all such legal opinions, reports of council and special warrants, and of all expenditure incurred in consequence thereof, which he shall deliver to the Treasurer, who shall present the same to the Legislature not later than the third day of the Session thereof then next ensuing.

Treasurer to decide between auditor and board.

48. If the Auditor has refused to certify that a warrant may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by council, or for any reason other than that there is no legislative authority, then upon a report of the board of audit on the case, the treasurer shall be the judge of the Auditor's objection, and may sustain him or order the issue of the warrant, in his discretion.

LIABILITY OF PUBLIC ACCOUNTANTS AND REVENUE OFFICERS.

Penalty for failure to account.

49. If any person refuses or neglects to transmit any account, statement or return, with the proper vouchers, to the officer or department to whom he is lawfully required to transmit the same, on or before the day appointed for the transmission thereof, such person shall for every such refusal or neglect incur a penalty of one hundred dollars; and in any action for the recovery of such sum, it shall be

Proof in suits to recover penalty.

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sufficient to prove, by any one witness or other evidence, that such account, statement or return ought to have been transmitted by the defendant, as alleged, and the onus of proving that the same was so transmitted shall rest upon the defendant.

50. Whenever the Treasurer has reason to believe that any officer or person has received public money, or money applicable to any public purpose, and has not paid over or duly applied and accounted for the same,—he may direct a notice to such person, or to his representative in case of his death; requiring that, within a time therein named, and not less than thirty nor more than sixty days from the service of such notice, such money be paid over, or applied and accounted for to the treasurer or to the officer to be mentioned in the notice, with proper vouchers :

Notice to party failing to account for or pay over money.

2. Such notice shall be served by the Sheriff of the district where the service is made, or his deputy, by delivering a copy to the person to whom it is addressed, or leaving it for him at his usual place of abode ; and the return of the Sheriff, of such service, shall be conclusive evidence thereof.

Notice how served.

51. If any such person fails to pay over, apply or account for any such money, and to transmit such vouchers within the time limited by the notice served on him,—the Treasurer shall state an account against such person in the matter to which the notice relates, charging interest from the service thereof, and shall deliver a copy thereof to the Attorney General, and such copy shall be sufficient evidence to support any proceeding for the recovery of the amount thus shown to be in the hands of the defendant, as a debt due to the crown, saving his right to plead and give in evidence all such matters as may be legal and proper for his defense : and the defendant shall be liable to costs, whatever be the judgment, unless he proves that before the time limited in such notice, he paid over or applied

Proceedings if money be not paid over or accounted for within delay fixed by notice.

Costs.

and duly accounted for the money therein mentioned, and transmitted the proper vouchers, or unless he has been sued in a representative character, and is not personally liable for such money, or to render such account.

Notice and proceedings when account has been rendered without sufficient vouchers.

52. Whenever any such person has transmitted an account either before or after notice as aforesaid, but without vouchers or with insufficient vouchers for any sum for which he therein takes credit,—the Treasurer may notify him, in the manner mentioned in the next preceding section but one, to transmit vouchers, or sufficient vouchers, within thirty days after the service of the notice; and if such vouchers are not transmitted within that time, the Treasurer may state an account against him, disregarding the sums for which he has taken credit, but for which he has transmitted no vouchers or insufficient vouchers, and may deliver a copy of such account to the Attorney General, and such copy shall be sufficient evidence to support any proceeding for the recovery of the amount therein shewn to be in the hands of the defendant, saving his right to plead and give in evidence all such matters as may be legal and proper for his defence;—but such defendant shall be liable to costs, whatever be the judgment, unless the vouchers by him transmitted within the time limited by the notice served on him, or before such service, are found of themselves sufficient for his defence, and for his discharge from all sums demanded of him.

Costs.

Notice how served.

2. The said notice shall be served and the Sheriff's return of service shall be of the like effect as provided in section fifty with regard to the notice therein mentioned.

In certain cases execution may issue against defaulter without bringing suit.

53. If at any time it appears clearly, by the books of accounts kept by or in the office of any revenue officer, or by his written acknowledgment or confession,—that he has by virtue of his office or employment received moneys belonging to Her Majesty, and amounting to a sum certain which he has failed to pay over to the officer duly appointed to

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receive the same, and in the manner and at the time lawfully appointed,—then upon affidavit of the facts, by any officer cognizant thereof, and thereunto authorized by the Lieutenant Governor in Council, made before a judge of the Superior Court, such Judge shall cause to be issued against the goods, chattels and lands of such officer, such writ or writs as might have issued out of such Court, if the bond given by him had been put in suit, and judgment had been thereupon obtained, for a like sum, and any delay by law allowed between judgment and execution had expired; and such writ or writs shall be executed by the Sheriff or other proper officer, and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall be had, as if judgment as aforesaid had been actually obtained.

54. If any person has received public money for the purpose of applying it to any specific purpose, and has not so applied it within the time or in the manner provided by law,—or if any person having held any public office and having ceased to hold the same, has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it,—such person shall be deemed to have received such money for the Crown for the public uses of the province, and may be notified by the Treasurer to pay such sum back to him, and the same may be recovered from him, in any manner in which debts to the Crown may be recovered,—and an equal sum may in the meantime be applied to the purpose to which such sum ought to have been applied.

Proceedings against persons failing to apply public money

Other money to be applied in the meantime.

55. If by reason of any malfeasance, or of any gross carelessness or neglect of duty, by any revenue officer, any sum of money is lost to the Crown,—such officer or person shall be accountable for such sum, as if he had collected and received the same, and it may be recovered

Liability of officers causing loss to public revenue.

from him on proof of such malfeasance, gross carelessness or neglect, in like manner as if he had so collected and received it.

Dismissal of
officer receiving
a bribe.

56. If any revenue officer receives directly or indirectly any money, service, value or thing whatever, from any person not legally authorized to pay or allow the same, on account of anything done by him in any way relating to his office or employment, except what he receives by order or with the permission of the Lieutenant Governor in Council,—every such officer shall, on proof to the satisfaction of the Lieutenant Governor, be dismissed from his office or employment ;—And if any person not being an officer duly authorized to pay or allow the same, gives, offers or promises any such money, service, value or thing, he shall, for every such gift, offer or promise, incur a penalty of four hundred dollars.

Penalty
against party
bribing.

Books, documents, moneys,
&c., held by
officer as such
belong to the
Crown.

57. All books, papers, accounts and documents of what kind soever, kept or used by, or in the possession of any revenue officer by virtue of his employment as such, shall be deemed to be chattels belonging to Her Majesty,—and all moneys or valuable securities received or taken into his possession by virtue of his employment, shall be deemed to be moneys and valuable securities belonging to Her Majesty.

Penalty for
refusal to
deliver up the
same.

2. If any such officer or person at any time refuses or fails to pay over or deliver up any such chattel, money or valuable security, to any officer or person who, being duly authorized by the Lieutenant Governor in Council, demands the same, he shall for every such refusal or neglect, incur a penalty of one thousand dollars.

This act not to
impair any re-
course already
given.

58. Nothing contained in this Act shall prevent, lessen or impair any remedy already given by law to Her Majesty or any other party.

MISCELLANEOUS PROVISIONS.

59. In all cases wherein any oath, affirmation or declaration is required by this Act or by any law relating to the revenue, or is necessary for the satisfaction or consideration of the Lieutenant Governor in Council, in any matter relating to the revenue, and no person is specially named before whom the same is to be made,—it may be made before any person appointed to receive the same by the Lieutenant Governor, and such person shall administer such oath or affirmation or receive such declaration; and in any case or class of cases where an oath is required by this Act or by any law in force, in any matter relating to the revenue, the Lieutenant Governor in Council may authorize the substitution for such oath, of a solemn affirmation or of a declaration, which shall then avail to all intents and purposes as such oath would have done.

Who may administer oaths under this act.
Affirmation instead of oath in certain cases.

60. Upon all examinations and enquiries made by order of the Lieutenant Governor in Council, for ascertaining the truth as to any fact concerning the revenue, or the conduct of revenue officers,—and upon like examinations and enquiries made by any person authorized by the Lieutenant Governor in Council to make the same,—any person to be examined as a witness shall deliver his testimony on oath to be administered to him by the person making the examination or enquiry.

Examinations to be under oath.

61. The Lieutenant Governor, whenever he deems it conducive to the public good, and when great public inconvenience or great hardship and injustice to individuals would otherwise ensue, may remit any tax, duty or toll payable to Her Majesty, imposed or authorized either before or since the Union, and relating to any matter within the scope of the powers of this Legislature, or any forfeiture or pecuniary penalty imposed or authorized to be imposed, for any contravention of the laws relating to the

Lieut.-Gov. in certain cases may remit penalties, &c.

revenue or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty be given by law to the informer or prosecutor, or to any other party; and such remission may be made by any general regulation or by any special order in any particular case, and may be total or partial, unconditional or conditional; but if conditional, and the condition be not performed, the order made in the case shall be null and void, and all proceedings may be had and taken as if it had not been made.

Form of remission.

Statement of remissions to be submitted to Legislature.

2. A detailed statement of all such remissions as aforesaid, shall be annually submitted to the several branches of the Legislature, within the first fifteen days of the next ensuing session thereof.

Recovery of penalties.

62. The Attorney General may sue for and recover in Her Majesty's name, any penalty or forfeiture imposed by any law relating to the revenue, or may direct the discontinuance of any suit for any such penalty or forfeiture, by whom or in whose name soever the same has been brought; and the whole of such penalty or forfeiture shall belong to Her Majesty for the public uses of the province, unless the Lieutenant Governor in Council do, as he may if he sees fit, allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered.

Application of penalties.

Appointments of officers prior to this act, and their duties, &c., to continue the same.

63. All commissions and appointments of revenue officers issued or made before the passing of this act, whether before or after the Union, shall continue in force, unless and until revoked or altered by competent authority; and the nature of the duties and local extent of the powers of each office, shall, unless and until they be expressly altered, and so far as they are not inconsistent with any act of this Legislature, remain the same as if granted or made under the authority of this act, subject always to the provisions and enactments thereof; and all bonds which have

been given by such officers or persons, or their sureties, shall remain in full force and effect.

64. So much of chapters fourteen and sixteen of the Consolidated Statutes of the late Province of Canada, or of chapter six of the acts of the Legislature of the said Province, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, or of any other act or law in force in this province, as is inconsistent with this act or make any provision in any matter provided for by this act other than such as is hereby made, is repealed, in so far as relates to matters subject to the control of this Legislature.

Cons. Stat.
Can., c. 14 and
16 and 27-28
Vic., cap. 6,
partially re-
pealed.

65. This act may be cited as "The Treasury Department Act."

Under the Act 43-44 Vict., cap. 24 the Sheriff is obliged to account, to the treasurer for the revenue received from the employment of prisoners outside the walls of gaols, by section 6.

82 VICTORIA.

CHAPTER 15.

An Act respecting the Department of Agriculture and Public Works.

(Assented to 5th April, 1869.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

202. All tolls, dues or other revenues imposed and collected on public works shall be paid by the person receiving the same to the treasurer of Province, in such manner and at such intervals as may be appointed by him, but such interval shall in no case exceed one month.

Moneys from
tolls to be paid
over to trea-
surer.

45 VICTORIA.

CHAPTER 19.

An Act ordering and confirming the sale of that part of the Quebec, Montreal, Ottawa and Occidental Railway, extending from Montreal to St Jérôme, Aylmer and the city of Ottawa.

[Assented to 1st May, 1882.]

Preamble.

WHEREAS the Government of the Province of Quebec has entered into an agreement with the Canadian Pacific Railway Company for the sale to the said Company of that portion of the Quebec, Montreal, Ottawa and Occidental Railway, extending from Montreal to St. Jérôme, Aylmer and Ottawa City, which agreement bears date the fourth day of March, one thousand eight hundred and eighty-two; and whereas it is expedient to approve and ratify the said agreement, and to make provision for carrying out the same; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Agreement of
sale approved
and ratified.

1. The said agreement of sale,—a copy of which, with schedules, is annexed hereto as appendix A,—is hereby approved and ratified, and the Government is hereby authorized to perform and carry out the provisions thereof, according to their purport.

APPENDIX A.

This agreement made in duplicate this fourth day of March, eighteen hundred and eighty-two, between Her Majesty the Queen, acting for and on behalf of the Province of Quebec, by the Honorable Joseph A. Chapleau, the Premier and Commissioner of Railways of the said province, hereinafter called: "the Government;" and the Canadian Pacific Railway Company, a body corporate and politic, duly incorporated by letters patent of the Dominion

of Canada, acting herein by Duncan McIntyre and Richard B. Angus, vice-presidents thereof, duly authorized for the purposes hereof by resolution of the board of Directors thereof, hereinafter called : " The Company."

WITNESSETH :

5. The foregoing sale, transfer and assignment, and ^{Price and conditions of sale.} agreements, are thus made for and in consideration of the sum of \$4,000,000, from out of which the Company shall pay the said sum of \$300,000 for the completion of the said works of construction in and near Montreal, in the proportions above mentioned, and the sum of \$100,000 for the said branch to the Grand Trunk Railway, as the same shall be required, from time to time, for carrying out the said contracts and the other terms and conditions hereof. And also shall pay to the Government the further sum of \$600,000 by annual instalments of \$100,000 each, payable at the end of each and every year, on the 1st day of March in each year, the first of which payments shall fall due on the first day of March 1883, with interest at the rate of five per cent per annum, payable at the same time as the interest of the remainder of the price as hereinafter provided. And as to the balance of \$3,000,000, the Company agree and bind themselves to pay the interest thereon to the Government at the rate of five per centum per annum semi-annually, on the first days of March and September in each year, commencing on the first day of September next; with the right to the Company to pay the said capital amount of \$3,000,000 to the Government at any time after having given to the Government six month's notice of their intention so to pay the same; and with the right to the Government to demand and enforce payment of the said balance of capital, at any time after the expiry of twenty years from the date hereof, on giving six months previous notice of such demand.

45 VICTORIA.

CHAPTER 20.

An Act to order and confirm the sale of that portion of the Quebec, Montreal, Ottawa and Occidental Railway, known as the Eastern Section, and extending from St. Martin's Junction to the City of Quebec.

[Assented to 27th May, 1882.]

Proau bio.

WHEREAS the Government of the Province of Quebec, has entered into a contract for the sale and permanent working of that portion of the Quebec, Montreal, Ottawa and Occidental Railway, known under the name of the Eastern Section, extending from St. Martin's Junction to the City of Quebec inclusively, which contract, bearing date the fourth day of March one thousand eight hundred and eighty-two, as well as the appendix thereto, have been submitted to the Legislature to be ratified, and whereas it is expedient to approve and ratify the said contract and to make provisions for the carrying out of the same : Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Contracts approved and ratified.

1. The said contract, a copy of which, with its appendix, is hereto annexed, is hereby approved and ratified, and the government is authorized to perform and carry out the conditions thereof, according to their purport and tenor.

CONTRACT BETWEEN THE PROVINCE OF QUEBEC AND THE NORTH SHORE RAILWAY SYNDICATE

On the fourth day of the month of March, one thousand eight hundred and eighty-two, in the city of Montreal, by the present document signed in duplicate,—

Her Majesty the Queen, acting for and on behalf of the Province of Quebec, by the Hon. J. A. Chapleau, Premier and Commissioner of Railways of this Province, hereinafter styled the Government, and the Hon. Thomas McGreevy,

of the city of Quebec, Alphonse Desjardins, of the city of Montreal, Alderic Ouimet, of the city of Montreal, all three Members of the House of Commons of Canada, and Louis Adélarde Sénécal, of the city of Montreal, gentleman, hereinafter styled the Syndicate, have entered into the following agreements, subject to their being ratified by the Legislature of the Province of Quebec, as hereinafter provided.

13.—The sale is made for the price of \$4,000,000, on account of which the Syndicate shall pay, on the road being handed over, a sum of \$500,000 and on the balance of \$3,500,000, the Government may by giving six months' notice to the Syndicate, exact another payment of \$500,000, after the expiration of the year following the first payment, and at the expiration of five years, from the time the road is handed over, the Government shall have the right, at any time, by giving one year's notice to the Syndicate, to exact the entire payment of the balance then remaining due on the aforesaid price of sale, and, in any case, such balance shall be due and payable at the expiration of twenty years.

45 VICTORIA.

CHAPTER 21.

An Act appropriating the price of the Quebec, Montreal, Ottawa and Occidental Railway, to the payment of the consolidated debt of the Province.

[Assented to 27th May, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The price of the sale of the two sections of the Quebec, Montreal, Ottawa and Occidental Railway, shall be appropriated to the payment of the consolidated debt of the Province.

Appropriation
of price of sale
of the Q. M. O.
and O. railway
to payment of
consolidated
debt.

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Payment into
certain funds.

2. This price shall be paid into the funds created for the redemption of the loans effected under the provisions of the acts 37 Victoria, chap. 2; 39 Victoria, chap. 4, and 41 Victoria, chap. 1.

Application of
\$3,000,000, of
price of the
Western sec-
tion.

3. The sum of three million dollars, payable according to the conditions of the contract of sale of the Western section, by the Canadian Pacific Railway Company, after six months' notice or after the expiration of twenty years, shall be applied to the payment of the loan of three million dollars made under the provisions of the act 41 Victoria, chapter 1, which will complete the sinking fund created for the redemption of that loan.

Application of
\$3,500,000 of
price of the
Eastern sec-
tion.

4. The sum of three millions five hundred thousand dollars, payable at stated terms, according to the conditions of the contract of sale of the Eastern section, by the North Shore Railway Company, shall be applied to the payment of so much of the loan made under the act 39 Victoria, chap. 4, and the sum of five hundred and fifty nine thousand seven hundred and seventy three dollars and thirty three cents shall be taken from the balance of the price of the sale of the two sections, to complete the sinking fund created for the redemption of that loan.

And of
\$559,773.33.

Application of
the balance of
the price of
both sections.

5. The balance of the price of the sale of the two sections shall be applied to the payment of so much of the loan made in virtue of the Act 37 Victoria, chap. 2, and shall form part of the sinking fund created for the redemption of that loan.

Investment of
partial pay-
ments.

6. The provincial treasurer shall, from time to time, in conformity with the instructions that may be given him by the Lieutenant-Governor in Council, invest all sums that shall be paid on account of the price of sale; and such investments shall belong to that sinking fund of which the monies they represent form part.

7. The interest, upon the balances in the hands of the ^{Interest how} purchasers, and those upon the investments which shall ^{to be applied.} be made by the treasurer, of the sums which shall be paid on account of the price, shall be applied to the payment of the interest upon the loans above-mentioned, according to, the appropriation of capital.

8. The provincial treasurer is prohibited from employing ^{Money from} even temporarily, the money arising from the price of the ^{sale of Q. M. O.} sale of the Quebec, Montreal, Ottawa and Occidental ^{and O. not to} Railway, and the interest to be derived therefrom for any ^{be applied} other purpose than that above enacted. ^{otherwise than} ^{as this act} ^{directs.}

9. An account shall be rendered to Her Majesty of the ^{Account to be} regular investment and employment of the sums arising ^{rendered to} from the price of the sale of the Quebec, Montreal, Ottawa ^{Her Majesty.} and Occidental Railway, as well as of the interest thereon.

10. This act shall come into force on the day of its ^{Act in force.} sanction.

CONSOLIDATED STATUTES OF CANADA.

CHAPTER 10.

An Act respecting the Governor, Civil list and salaries of certain public officers.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

OF THE GOVERNOR, OR PERSON ADMINISTERING THE GOVERNMENT.

1. The Governor, Lieutenant Governor, or person ad- ^{Governor to be} ministering the Government of this Province for the time ^{a Corporation} being, and his successors, shall be a corporation sole;— ^{sole.} and all bonds, recognizances, and other instruments by law required to be taken to him in his public capacity,

shall be taken to him and his successors, by his name of office, and may be sued for and recovered by him or his successors, by his or their name of office as such;—and the same shall not in any case go to or vest in the personal representatives of such Governor, Lieutenant Governor, or person administering the Government, during whose government the same were so taken.

CONSOLIDATED STATUTES OF CANADA

CHAPTER 12.

An Act respecting the Commissions of Public Officers, and the Oaths of Office and Security to be taken and given by them.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

COMMISSIONS.

No new Commissions need be issued at the commencement of a new Reign, but a Proclamation continuing all Public Officers, &c., in their respective offices shall issue and be sufficient.

1. Upon the demise of the Crown, it shall not be necessary to renew any commission, by virtue whereof any Public Officer or Functionary in this Province held his office or profession, during the previous Reign,—but a proclamation shall be issued by the Governor, authorizing all persons in office who held commissions under the late Sovereign, and all Functionaries who exercised any profession by virtue of any such Commissions to continue in the due exercise of their respective duties, functions and professions, and such proclamation shall suffice, and the incumbents shall, as soon thereafter as may be, take the usual and customary oath of allegiance before the proper officer or officers thereunto appointed;

Oath of allegiance to the Sovereign to be taken.

2. And such Proclamation being issued, and oath taken, each and every such Public Officer and Functionary shall continue in the lawful exercise of the duties and functions

of his office or profession, as fully, as if appointed *de novo* by Commission derived from the Sovereign for the time being; and all acts and things *bona fide* done and performed by such incumbents in their respective offices, and in the due and faithful performance of their duties and functions, between the time of such demise and the Proclamation so to be issued, (such oath of allegiance being Acts done by such Public Officers, &c., to be valid. always duly taken) shall be deemed to be legally done, and valid accordingly.

2. Nothing in the next preceding section shall prejudice or in any wise affect the rights or prerogative of the Crown with respect to any office or appointment derived or held by authority from it, nor prejudice or affect the rights or prerogatives thereof in any other respect whatsoever. Saving the rights of the Crown.

OATHS OF ALLEGIANCE AND OFFICE, &c.

3. It shall not be necessary for any person appointed to any office in this Province, civil or military, or any Mayor or other officer or member of any corporation therein, or for any person admitted, called or received as a Barrister, Advocate, Notary Public, Attorney, Solicitor or Proctor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say :

" I, A. B., do sincerely promise and swear, that I will be Oath of allegiance
 " faithful and bear true allegiance to Her Majesty Queen
 " Victoria, (or the reigning Sovereign for the time being,) No other oath but those hereinafter described to be required of certain officers.
 " as lawful Sovereign of the United Kingdom of Great-
 " Britain and Ireland, and of this Province dependent on
 " and belonging to the said Kingdom, and that I will
 " defend Her to the utmost of my power against all traitor-
 " ous conspiracies or attempts whatever which shall be
 " made against Her Person, Crown and Dignity, and that
 " I will do my utmost endeavor to disclose and make
 " known to Her Majesty, Her Heirs or Successors, all

"treasons or traitorous conspiracies and attempts which I shall know to be against Her or any of them;—And all this I do swear without any equivocation, mental evasion or secret reservation, and renouncing all pardons and dispensations from any person or power whatever to the contrary; So HELP ME GOD."

Oath for faithful performance of duties.

And also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as is required by any law in that behalf.

The said form and no other to be that to be used in all cases in this Province.

4. The form hereinbefore set forth, and no other, shall be that of the Oath of Allegiance to be administered to and taken by every person in this Province who, either of his own accord or in compliance with any lawful requirement made on him or in obedience to the directions of any statute either of the Imperial or Provincial Parliament, desires to take an Oath of Allegiance;—And all Magistrates and other officers lawfully authorized, either by virtue of their office or by special commission from the Crown for that purpose, may administer the Oath of Allegiance in any part of this Province.

Who may administer it.

Oath to be taken within the time now by law provided, &c.

5. The Oath of Allegiance hereinbefore set forth, together with the oath of office or oath for the due exercise of any profession or calling, shall be taken within the period and in the manner, and subject to the disabilities and penalties for the omission thereof, by law provided with respect to such oaths, in all such cases respectively.

Affirmation instead of oath in certain cases.

6. All persons allowed by law to affirm instead of swearing in civil cases in any part of this Province, shall be received to take an affirmation of allegiance in the like terms, *mutatis mutandis*, as the said Oath of Allegiance, and such affirmation of allegiance taken before the proper officer, shall in all cases be accepted from such persons in lieu of such oath; and shall as to such affirmants have the like effect as the said Oath of Allegiance;—And all Magistrates

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and other officers lawfully authorised, either by virtue of their office or by special commission from the Crown for that purpose, may administer the affirmation of allegiance in any part of this Province.

NO RELIGIOUS TEST REQUIRED.

7. It shall not be necessary for any person for the purpose of qualifying himself to hold office in this Province, or for any other temporal purpose, privilege or advantage whatsoever within the same,—to receive the Sacrament of the Lord's Supper according to the rites or usages of the Church of England, or to deliver a certificate or make proof of his having received the said Sacrament in manner aforesaid;—And no person shall, within this Province, be subject to any penalty, forfeiture, incapacity or disability whatsoever, for or by reason of his not having so taken or received the said Sacrament.

No person need take the Sacrament as a qualification for any office.

No penalty incurred for not taking it.

The remainder of this statute is superseded by 32 Victoria, chapter 9, and 42-43 Victoria, chapter 6.

27-28 VICTORIA.

CHAPTER 7.

An Act to authorize the acceptance of certain incorporated Companies as sureties for public officers.

(Assented to 30th June, 1864.)

WHEREAS, it has been represented that certain incorporated and joint stock companies, of which the European Assurance Society, hereinafter mentioned, is one, are empowered to become the sureties of Public Officers, in certain cases; and whereas the collection or enforcing of bonds forfeited to the Crown from private parties, is often difficult and sometimes impossible: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Governor in Council may authorize security of certain companies to be accepted for public officers.

1. The Governor may, by order in council, direct that whenever any Public Officer is required to give security for the due fulfilment of his duty, or of any obligation undertaken towards the Crown, the Bond or Policy of Guarantee of the European Assurance Society, mentioned in the Imperial Act, twenty second Victoria, chapter twenty five, or of any Incorporated or Joint Stock Company incorporated and empowered for like purposes, named by such Order in Council, may be accepted as such security, upon such terms as shall be determined by the Governor in Council.

32 VICTORIA

CHAPTER 9.

An act respecting the security to be given by officers of the Province of Quebec.

(Assented to 5th April, 1869.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec enacts as follows :

Interpretation. 1. The following terms shall, in this act, unless the context otherwise requires, have the meanings hereby assigned to them, that is to say :

"Public officer." The term "public officer" shall mean every person holding or who may hereafter hold, or be appointed to any office or employment, under the control of this province, which is remunerated out of the consolidated revenue fund of the Province, or out of moneys provided by the legislature, or out of, or by fees authorised by some public statute or by some order in council or departmental order made thereunder.

"Security." The word "security" shall mean security for the due performance by the public officer of any trust reposed in him, for his duly accounting for and paying over all public moneys entrusted to him, or under his control, and for the due fulfilment in every way of his duty, or of any obligation undertaken by him or legally imposed on him as such.

The word "treasurer" shall mean the treasurer of the "Treasurer." Province.

2. The Lieutenant Governor in Council may require any public officers or classes of public officers, to give security, and may, by regulations or otherwise, determine the amount of such security, the time within which it shall be given; and the manner of receiving recording and depositing the same; and may from time to time declare any security already given to be insufficient, and require other sufficient security to be given in lieu thereof.

Public officers may be required to give security.

3. Such security may be either hypothecary security, deposit security, stock security, or guarantee security.

What kind of security.

Hypothecary security shall consist in a duly registered hypothecation of a sufficient property, by the public officer or by any surety for him, for the amount required, and in favor of the treasurer.

Hypothecary security.

Deposit security shall consist in the deposit in money of the amount of the security, by the public officer or by any surety for him, in the hands of the treasurer, or to the treasurer's credit, in any bank approved by him.

Deposit security.

Stock security shall consist of the transfer, to the treasurer, by the public officer or by any surety for him, of such debentures, stock or shares as the treasurer may approve of, and to the amount required.

Stock security.

Guarantee security shall consist in the bond or policy of guarantee, given in favor of the treasurer, by the European Assurance society mentioned in the imperial Act, twenty-second Victoria, chapter twenty-five. or by any incorporated or joint stock company, incorporated and empowered for like purposes, and approved of by the Lieutenant Governor in Council.

Guarantee security.

4. Notwithstanding articles 2017 and 2044 of the civil code, any hypothec given under this act shall be considered as a principal obligation for the stated amount thereof, and be valid although the amount recoverable for

Articles 2017, 2044, C. C. Effect of hypothecary security.

a breach of the security be contingent and uncertain in amount, and shall rank for any amount which may become recoverable under the security, from the date when such security was given.

Hypothec may be cancelled according to 2151 C. C.

5. The hypothec of any hypothecary security may be cancelled by means of the certificate of the Attorney General and in accordance with article 2151 of the civil code. *As amended by 45 Vic., cap. 2.*

Certificate for cancelling to be given within 6 months unless there has been a breach of the security.

6. In the case of the hypothecary security having been given by the public officer himself, and of the death of such officer, the certificate mentioned in the preceding article shall be granted within six months from such death, unless the treasurer is of opinion that there has been a breach of the security.

In the case of the hypothecary security having been given by a surety, and of the death of the public officer, or of the withdrawal of the surety, the said certificate shall be granted within six months from such death, or from the notice of such withdrawal, as the case may be, unless the treasurer is of opinion that there has been a breach of the security.

Interest and profits of deposit or stock security to be payable to surety.

7. In the cases where deposit security or stock security shall have been given, all interest, dividends or profits whatever, arising from or payable on account of the moneys deposited, or the debentures, stock or shares transferred, shall continue to be payable to and recoverable by the person who has given such security, in the same manner as if such deposit or transfer had not been made.

1954 C. C. Surety may withdraw after 3 months notice.

8. Notwithstanding and without prejudice to article 1954 of the civil code, any surety of a public officer may free himself and the land, money, debentures, stock or shares given in security, from future liability under his suretyship, by giving at least three months previous notice to that effect to the treasurer.

9. No money, debentures, stock or shares, given in security under this act, shall, while such security last, be liable to seizure or attachment either before or after judgment.

Property given in security to be exempt from seizure.

10. In any action brought for the recovery of any sum due in virtue of any security, in consequence of any breach thereof, the certificate of the treasurer shall be *prima facie* evidence of such breach, and of such amount being due.

Certificate of treasurer to be evidence of breach.

11. It shall be the duty of the treasurer to enquire from time to time into the sufficiency of any security given under this act, and to report to the Lieutenant Governor in Council if the same shall have ceased to be sufficient.

Treasurer to enquire and report as to sufficiency of securities.

12. Every public officer failing to give security in accordance with this act when duly required to do so, shall forfeit his office; but such forfeiture shall not annul or make void any act or thing done by him during the time he actually held such office; and the Lieutenant Governor in Council may remit the forfeiture, in any case in which the failure to give security has not arisen from wilful neglect.

Forfeiture of office in default of security.

Remission of forfeiture in certain cases.

13. Any public officer giving security under this act shall not be bound to do so under any other act; and upon his giving security under this act, any other security already given shall cease for the future, but shall continue to avail for any liability previously incurred by reason of any breach thereof.

Security under this act to be sufficient.

14. The security given under this act shall enure preferentially to the treasurer, to cover any loss to the province arising from any breach thereof, and secondarily to any person who has suffered loss by reason of any such breach; and any such person, having first obtained the authorization of the Attorney General, may for his own bene-

To whose benefit security shall enure.

fit, but at his own risk as regards costs, bring suit in the name of the treasurer for the recovery of his loss, out of such security. *As amended by 45 Vict., cap. 2,*

Person requiring authorization to sue as surety must give security.

15 The authorisation mentioned in the preceding article shall not be granted, unless the person applying for the same gives security, to the satisfaction of the Attorney General, for the payment of all costs that may be incurred by reason of his failure in any such suit, or in any proceeding therein. *As amended by 45 Vict., cap. 2.*

Person authorized to sue may obtain copy of instrument of security.

16. Any person having such authorization may, on payment of such fee as may be chargeable, obtain from the officer having custody of the securities given under this act, a copy of the document evidencing the particular security upon which he intends to bring suit. This copy shall be certified by such officer, and shall be authentic evidence of the security.

Copy to be evidence.

Treasurer to furnish statement of all securities given.

17. The treasurer shall cause to be prepared, for the information of the legislature, within fifteen days after the opening of every session thereof, a detailed statement of all bonds or securities given under this act, and of any changes or entries that have been made in reference to the names and residence of any sureties, and of the amounts in which they have become severally liable, since the period of the previous return submitted to the legislature.

Securities already given to continue valid.

18. All bonds and securities heretofore given by any public officer and his sureties, or any of them, under any law now in force in this province, shall be held to be and continue valid and binding, notwithstanding the changes effected by the British North America Act, 1867, until other security shall have been given in lieu thereof under this act, and even after such other security shall have been given, in so far as regards liabilities incurred for any breach of such bonds or securities; subject nevertheless to the right of the sureties therein named to relieve themselves from liability in the manner provided for that pur-

pose by this act, or by the act under which such bonds or securities were given.

19. In any document made, or suit brought, or other legal proceeding had, under this act, the personal name of the treasurer need not be used. Personal name of treasurer need not be used.

20. This act shall come into force on such day as shall be fixed for that purpose by proclamation. Commencement of this act.

N. B.—The proclamation appeared in the Quebec Official Gazette under date the 10th September, 1870, appointing the 1st October, 1870, as the day of the coming into force of this act.

This act applies to the Superintendent of Education by the following section of the act 39 Victoria, (1875) chap. 15 :

2. The superintendant of public instruction shall be appointed by the Lieutenant Governor in Council, shall hold his office during pleasure, shall have an annual salary of four thousand dollars, and shall give security in conformity with the act of this province 32 Victoria, chapter 9.

36 VICTORIA.

CHAPTER 15.

An act respecting the securities of certain Judicial Officers of the Province of Quebec.

(Assented to 24th December, 1872.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. All securities required of sheriffs, prothonotaries of the superior court, clerks of the circuit court, registrars, coroners, and bailiffs of the superior court, under the laws in relation to the same, whether such security must be The security to be given hereafter by certain officers shall be given under 32 V., c. 9.

given in place of any other, or by reason of a new appointment to any of such offices, shall in future be given exclusively under the authority of the act thirty-second Victoria, chapter nine.

Without prejudice to previous laws as to amount of security, &c.

2. The foregoing section shall be without prejudice to the provisions of law respecting such officers, in so far as the same relate to the amount of security to be furnished, to the delays within which it shall be given, and to the penalties imposed for the neglect to furnish such security, provided that such provisions be consistent with those of this act.

Amount of security to be given by certain officers.

3. The securities to be given by the officers hereinafter mentioned, shall, any law to the contrary notwithstanding, be for the amounts following, that is to say :

1. By the sheriff of the District of Montreal, twelve thousand dollars ; by the sheriff of the District of Quebec, eight thousand dollars ; by the sheriff of the District of Three Rivers, four thousand dollars ; and by the sheriff of the other districts, two thousand dollars each ;

2. By the prothonotaries of the Superior Court for the Districts of Quebec and Montreal, four thousand dollars each ; and by those to the other districts, two thousand dollars each ;

3. By the Clerks of the Circuit Court, six hundred dollars each.

Under the Act 38 Vict., cap. 17, dividing the registration division of Montreal into three divisions respectively named, " The registration division of Montreal East," " The registration division of Montreal West," and " The registration division of the counties of Hochelaga and Jacques-Cartier," the registrar of each division is obliged to give security to the amount mentioned in the following section of the said act :

4. The Registrar of each such registration divisions shall give security to the amount of ten thousand dollars.

42-48 VICTORIA.

CHAPTER 6.

An act to amend the acts respecting the security to be given by Public Officers in this Province, (32 Vict., chap. 9 and 36 Vict., chap. 15.)

(Assented to 31st October, 1879).

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. From and after the passing of the present act, the security which the Lieutenant-Governor in Council may require from such public officers as are bound to give the same, under the acts of this province, 32 Vict., cap. 9 and 36 Vict., chap. 15, shall be so given by means of a guarantee assurance policy, a deposit in money or in debentures approved by the Treasurer of the province and not otherwise :

Nevertheless the securities already given under section 3 of the act 32 Vict., chap. 9, shall not be affected by the present act, and shall remain good and valid until the renewal thereof.

2. The amounts or rates of premium payable on guarantee assurance policies given up to date, in favor of the Treasurer or which shall be so given in future, by the said public officers, shall be paid by the Treasurer who shall obtain receipts therefor and shall hand them over to each of the said officers respectively.

3. The sum so paid by the Treasurer, shall be deducted from the salaries of such officers, proportionately to the amount which shall have been paid for each of them.

4. In case a public officer who is bound to give security, should not receive a salary payable by the Government,

Security from
Public Officers.

Premiums on
policies of
assurance,
paid by prov.
treasurer.

Sums so paid
deducted from
salaries.

Officers who
receive no
salaries from
Government.

he must, within the month after the expiry of his assurance policy, transmit to the Treasury Department, a renewal receipt or a new guarantee policy, on pain of losing his office *ipso facto* at the expiration of such delay.

Acts repealed. 5. Every act or portion thereof inconsistent with the provisions of the present act is repealed.

6. The present act shall come into force on the day of its sanction.

43-44 VICTORIA.

CHAPTER 19.

An Act respecting public officers of the Province of Quebec.

(Assented to 24th July, 1880.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Annual return
by public off-
icers of fees and
emoluments.

1. Every public officer of this Province, who is paid by fees, or partly by fees and partly by a fixed salary, shall, on or before the fifteenth day of the month of January in every year, make under oath, and transmit to the treasurer, a return showing the aggregate amount of such fees and emoluments, and of his disbursements in detail, during the twelve months ending the thirtyfirst day of December preceding.

Percentage to
be transmitted
with return.

2. Every such officer shall transmit to the provincial treasurer, with the return mentioned in the preceding section, twenty per cent of the balance over one thousand dollars of the net amount of the fees received by him for the period covered by such return, after deducting the necessary and unavoidable expenses of the office, (which expenses so deducted, shall, in no case, for the purposes of this act, exceed one quarter of the total amount of fees received).

Every person filling two or more offices shall pay the percentage above mentioned on the balance over one thousand dollars of the aggregate net amount of the fees and emoluments of all the offices, so held by him.

Percentage to be sent by person filling two or more offices.

When two or more persons hold, jointly, one or more offices, the percentage of twenty per cent shall be calculated on the balance of the net amount of fees and emoluments remaining, after deduction of one thousand dollars, for each of such persons. *As replaced 45 Vic., cap. 17, sec. 2.*

Percentage to be sent when two or more persons fill one or more offices.

3. All registrars who are subject to the application of section 10 of the act of this province, 32 Victoria, chapter 25 shall include, in each of their said returns, a statement of the amount of fees received by them on the renewal of registrations, and shall transmit therewith, to the treasurer, the percentage prescribed by any Order in Council now in force or which may hereafter be adopted in relation thereto; and section 11 of the said Act 32 Victoria, chapter 25 is hereby repealed; but the percentage mentioned in the preceding section shall not be levied upon such fees. *(See 32 Vict., cap. 25 sec. 10 entered below.)*

Registrars under sec. 10 of 32 Vic., cap. 25, with return to pay over the percentage.

Sec. 11, 32 Vic., cap. 25, repealed.

Proviso.

4. Every prothonotary, who, as such receives in fees a sum of one thousand dollars or over, and who is at the same time clerk of the Crown and of the peace, shall continue to perform the duties of such clerk, without any remuneration or salary therefor, apart from the fees which he may receive.

Prothonotaries paid by fees.

Any law or order to the contrary is hereby repealed.

5. The percentage mentioned in the preceding sections shall form part of the consolidated revenue of the province; and the returns, therein provided for, shall not apply to or in any manner affect returns ordered by any existing law or order in Council.

Percentage to form part of consolidated revenue fund.

6. No person hereafter appointed to any public office in the province, shall receive a higher salary than the sum

Limitation of salaries of public officers in future.

of three thousand dollars, any law, statute or order in Council to the contrary notwithstanding.

40 Vic., cap.
11, repealed.

7. The act of this province 40 Victoria, chapter 11, is hereby repealed.

Act in force.

8. This act shall come into force on the 1st day of January next, one thousand eight hundred and eighty-one.

(In order to meet the expenses of inspecting registry offices and of making plans and books of reference in the different registration divisions, the lieutenant governor in council may, from time to time, order a percentage to be levied upon the fees received by registrars on the renewal of registrations in virtue of article 2172 of the civil code ; such percentage shall not exceed fifteen per cent on the fees so received by registrars on such renewals of registration,—32 Vict., cap. 25, sec. 10).

CONSOLIDATED STATUTES FOR LOWER CANADA

CHAPTER. 92.

An Act respecting the offices of Sheriff and Coroner.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

SECURITY TO BE GIVEN BY SHERIFFS AND CORONERS.

Person holding
office of Sheriff
to give secu-
rity.

1. No person shall execute any of the duties of the office of Sheriff or Coroner, in civil matters, until he has given security under the Acts 32 Victoria, chapter 9 and 36 Victoria, chapter 15 as amended by 42-43 Victoria, chapter 6, for the due execution thereof, to the amount and in the manner hereinafter required.

Amount of
such security.

2 The security required by this Act shall be given in the following sums, that is to say.

As to Sheriffs see 36 Victoria, chapter 15, sec. 8.

By the Coroner of the district of Quebec, in the sum of one thousand four hundred dollars,—by the Coroner of the district of Montreal, in a sum of one thousand four hundred dollars,—by the Coroner of the district of Three Rivers, in a sum of four hundred dollars,—by the Coroner of the district of Gaspé, in a sum of two hundred dollars,—and by the Coroner of the district of Saint-Francis, in a sum of two hundred dollars :

2. The amount of the security to be given by the Coroners, in the districts of Kamouraska and Ottawa, shall be fixed by the Governor, under chapter twelve of the Consolidated Statutes of Canada, (*now 32 Vict., cap. 9*), as shall also the amount of such security to be given by Coroners in the New Districts ; but the amount of such security in the New Districts shall not be greater than in those of Kamouraska and Ottawa ;

Amounts in certain cases to be fixed by the Governor.

3. Every such security shall be to Our Sovereign Lady the Queen, Her Heirs and Successors, and the condition shall be, that the Sheriff or Coroner, giving such security, shall well and truly demean himself in the execution of all and every the duties of his office in civil matters, and shall duly pay over all moneys to be levied or received by him as Sheriff or Coroner, (as the case may be) to all and every the persons lawfully entitled to receive the same ; and such security shall avail to Her Majesty and to all persons whomsoever aggrieved by any breach of the condition aforesaid, or any part thereof.

The condition of such security.

Sections 3, 4 and 5 refer to bonds, but security is now given under 42-43 Victoria, chap. 6.

6. Every person who presumes to perform any duty belonging to the office of Sheriff or Coroner, in civil matters, without having first given security as required by this Act and by chapter twelve of the Consolidated Statutes of Canada, (*now 32 Vict., chap. 9*), or who, having given such

Penalty on persons performing the duties of Sheriff or Coroner without having given security.

security, refuses or neglects to renew the same in any of the cases requiring such renewal, and continues to act as Sheriff or Coroner, in civil matters, after such refusal or neglect, shall be dismissed from the said office of Sheriff or Coroner, and shall forfeit and pay for the said offence a sum of two thousand dollars, to be recovered, with costs of suit, in the Superior Court for Lower Canada, by action of debt, bill, plaint or information; one moiety of which penalty shall go to Her Majesty, and the other moiety to the person suing for the same, within six months after the offence has been committed.

Cases in which the sureties will be exonerated.

7. When any Sheriff or Coroner dies, is removed from, or resigns his office, and within the space of eighteen months after such death, removal or resignation, no misbehaviour appears to have been committed by such Sheriff or Coroner in the execution of his office then at the end of the said eighteen months the suretyship so entered into by his sureties shall become void and of no effect as to such sureties to all intents and purposes whatsoever; but such Sheriff or Coroner, his heirs, executors, administrators or curators, respectively, shall not be exonerated, if misbehaviour be afterwards discovered and established:

Sureties to remain bound for moneys levied under judgments.

2. Except that sureties of every such former Sheriff or Coroner shall remain bound and liable by virtue of, and to the amount mentioned in the act of suretyship, for all moneys levied by such former Sheriff or Coroner, until the expiration of one entire year after the date of the judgment by which such former Sheriff or Coroner, his heirs or legal representatives, are ordered to pay over the said moneys to the person or persons entitled to receive the same.

Sheriffs, &c., to be subject to provisions of Cons. Stat. of Can., cap. 12.

8. Every Sheriff or Coroner in Lower Canada and his sureties shall moreover be subject to all the provisions of said chapter twelve of the Consolidated Statutes of Canada,

(now 32 Vict., chap. 9), in so far as such provisions apply to them and are not inconsistent with this act, and such provisions shall (in so far as aforesaid) be deemed additional to those of this act.

SHERIFF'S RESPONSIBILITY FOR HIS DEPUTIES.

9. Every Sheriff or Coroner shall be responsible to all Sheriffs, &c., to be responsible for the acts of his deputies. persons for the acts of his deputies, or other his servants, acting under him, where such deputies or other servants, are of the appointment of the Sheriff :

2. And to this end, every Sheriff shall have the selection Bailiffs employed by Sheriffs to be selected by them. of all bailiffs, (huissiers) to be employed by and to act for him in the several districts of Lower Canada, and each Sheriff may appoint a deputy Sheriff, with all the powers and authorities which by his commission are vested in such Sheriff, to act as such deputy Sheriff, and assist the said Sheriff in the performance of the duties of his office ; Of the Deputy Sheriff. and whose acts and returns, as such deputy Sheriff, shall be taken and received in all Her Majesty's Courts of Law in Lower Canada, and be as legal and valid to all intents and effects, as the acts and returns of the Sheriff himself ; and for all the acts of such deputy Sheriff, the Sheriff so appointing him shall be and he is hereby declared to be in like manner responsible.

Sections 10 to 15 inclusive do not refer to revenue.

16. Every person who has been, or has acted as Sheriff Persons who have acted as Sheriff, &c., to deliver all deeds of sale to the Sheriff, &c., for the time being. or Coroner for any district, and the heirs, executors, curators and other legal representatives of any such person, shall forthwith deliver and surrender unto the Sheriff of the same district, all deeds or acts of sale of lands and tenements, which have been made by such person as Sheriff or Coroner, or transmitted to him by his predecessor in office, and all writs, public books, registers and papers appertaining to the office of Sheriff or of Coroner as the case may be, in matters of a civil nature, in his or

their possession, custody or power, judgment of distribution, receipts and vouchers for the payment of money and other legal acquittances and discharges and rules for the discharge of prisoners always excepted—together with a list or inventory of such deeds or acts, writs, books, registers and other papers; duly attested upon oath, by the person, delivering the same.

Penalty on refusal.

2. And every person having been, or having acted as Sheriff or Coroner, and every heir, executor, curator, or other legal representative of such late Sheriff or Coroner, who refuses or wilfully neglects to deliver and surrender all such deeds or acts of sale, writs, books, registers, and other papers, with such list or inventory thereof, and is thereof lawfully convicted, shall forfeit and pay the sum of two thousand dollars, one moiety of which shall go to Her Majesty, Her Heirs and successors, and the other moiety to the person suing for the same.

Penalty for swearing falsely.

17. Every Sheriff exhibiting the statements and accounts required of him by this act, who knowingly and wilfully swears falsely in any matter when an oath is by this act required, shall be liable to suffer, upon conviction thereof, the pains and penalties by law imposed for wilful and corrupt perjury.

Disposal of Crown's share of fines.

18. The Crown's shares of the fines and penalties levied by virtue of this act shall be reserved for the public uses of the province and shall remain at the future disposal of the provincial parliament.

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CONSOLIDATED STATUTES FOR LOWER CANADA

CHAPTER 98.

An act respecting the salaries and fees of certain officers of Justice.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Section 1 is Federal.

2. The provisions of the next and following sections of this act to the thirteenth inclusive, are subject to the provisions and limitations made in the fourteenth section as to the periods during which they will respectively be in force and otherwise.

The fee salaries, &c., of certain officers to form one Fund until 1861.

3. All Salaries, Fees, Emoluments and Pecuniary Profits whatsoever, attached under any authority whatsoever to the following offices, that is to say :

First.—To the offices of the Sheriffs of the districts of Quebec, Montreal, Three Rivers, Saint-Francis, Gaspé, Kamouraska and Ottawa ;

Second.—To the offices of the Prothonotaries of the Superior Court in the said districts ;

Third.—To the offices of the Clerks of the Circuit Court in and for the said districts of Quebec, Montreal, Three Rivers, St. Francis, Gaspé, Kamouraska and Ottawa, respectively.

Fourth.—To the offices of the Clerks of the Crown in the districts aforesaid ;

Fifth.—To the offices of the Clerks of the Peace in the districts aforesaid ;

Sixth.—To the office of the Clerk of the Court of Queen's Bench, called " The Clerk of Appeals ; "

Shall, until the first day of January, one thousand eight

hundred and sixty-one, form a special fund to be employed as hereinafter appointed, but they shall nevertheless continue to be and shall be demanded and collected by the officers aforesaid respectively, in their respective districts or circuits.

To be called
the officers of
Justice Fee
Fund.

4. All the salaries, fees, emoluments and pecuniary profits whatsoever attached to the officers above mentioned, shall, until the first day of January, one thousand eight hundred and sixty-one, form but one Fund, to be called *The Officers of Justice Fee Fund*.

Certain sala-
ries to be paid
out of it.

5. Out of the amount collected in every year of such salaries, fees, emoluments and pecuniary profits of what kind soever, attached to each of the aforesaid offices, the Governor may, from time to time, assign to the several officers hereinafter mentioned, annual and fixed salaries not exceeding the amounts hereinafter limited with respect to the said officers respectively ; which salaries, the Governor may modify from time to time in any case or cases, subject to the limitation aforesaid, that is to say :

IN THE COURT OF QUEEN'S BENCH.

Clerk of ap-
peals.

To the Clerk of the Court, called the Clerk of Appeals, a sum not exceeding two thousand dollars yearly.

IN THE DISTRICT OF QUEBEC.

Officers in the
district of
Quebec.

To the Sheriff, a sum not exceeding *three thousand six hundred dollars*, yearly ; *As amended by 35 Vict., chap. 5, Sec. 22.*

To the Prothonotary of the Superior Court, a sum not exceeding three thousand dollars, yearly.

To the Clerk of the Circuit Court, at the city of Quebec, a sum not exceeding one thousand six hundred dollars, yearly ;

To the Clerk of the Crown, a sum not exceeding one thousand two hundred dollars, yearly ;

To the Clerk of the Peace, a sum not exceeding two thousand dollars, yearly.

IN THE DISTRICT OF MONTREAL.

To the Sheriff, a sum not exceeding *three thousand six* hundred dollars, yearly ; *As amended by 35 Vict. Chap. 5* In district of Montreal.
Sec. 22.

To the Prothonotary of the Superior Court, a sum not exceeding three thousand dollars, yearly ;

To the Clerk of the Circuit Court, at the City of Montreal, a sum not exceeding one thousand six hundred dollars, yearly ;

To the Clerk of the Crown, a sum not exceeding one thousand two hundred dollars, yearly ;

To the Clerk of the Peace, a sum not exceeding two thousand dollars, yearly ;

IN THE DISTRICT OF THREE RIVERS.

To the Sheriff, a sum not exceeding two thousand dollars, yearly ; District of Three Rivers.

To the Prothonotary of the Superior Court, a sum not exceeding one thousand six hundred dollars, yearly ;

To the Clerk of the Circuit Court at the City of Three Rivers, a sum not exceeding six hundred dollars, yearly ;

To the Clerk of the Crown, a sum not exceeding six hundred dollars, yearly ;

To the Clerk of the Peace ; a sum not exceeding one thousand two hundred dollars, yearly ;

IN THE DISTRICT OF ST. FRANCIS.

To the Sheriff a sum not exceeding one thousand two hundred dollars, yearly ; District of St. Francis.

To the Prothonotary of the Superior Court, a sum not exceeding one thousand four hundred dollars, yearly ;

To the Clerk of the Circuit Court, at the City of Sherbrooke, a sum not exceeding six hundred dollars, yearly ;

To the Clerk of the Crown, a sum not exceeding two hundred dollars, yearly ;

To the Clerk of the Peace, a sum not exceeding six hundred dollars, yearly ;

IN THE DISTRICT OF KAMOURASKA.

District of Kamouraska.

To the Sheriff, a sum not exceeding one thousand dollars, yearly ;

To the Prothonotary of the Superior Court, a sum not exceeding eight hundred dollars, yearly ;

To the Clerk of the Circuit Court, at the *chef-lieu* of the District of Kamouraska, a sum not exceeding four hundred dollars, yearly ;

To the Clerk of the Crown, a sum not exceeding two hundred dollars, yearly ;

To the Clerk of the Peace, a sum not exceeding six hundred dollars, yearly ;

IN THE DISTRICT OF OTTAWA.

District of Ottawa.

To the Sheriff, a sum not exceeding one thousand dollars, yearly ;

To the Prothonotary of the Superior Court, a sum not exceeding five hundred dollars, yearly ;

To the Clerk of the Circuit Court, at the *chef-lieu* of the District of Ottawa, a sum not exceeding four hundred dollars, yearly ;

To the Clerk of the Crown, a sum not exceeding two hundred dollars, yearly ;

To the Clerk of the Peace, a sum not exceeding six hundred dollars, yearly ;

IN THE DISTRICT OF GASPÉ.

District of Gaspé.

To the Sheriff, a sum not exceeding one thousand dollars, yearly ;

To the Prothonotary of the Superior Court, a sum not exceeding five hundred dollars, yearly ;

To each of the Clerks of the Circuit Court at Percé and New Carlisle respectively, a sum not exceeding two hundred dollars, yearly ;

To the Clerk of the Crown, a sum not exceeding one hundred dollars, yearly ;

To the Clerk of the Peace, a sum not exceeding two hundred dollars, yearly ;

2. Except, that whenever any one of the offices herein-^{In case the offices are held after mentioned is held by two or more persons conjointly, by two or more, a further sum} the Governor may add to the salary which he is herein-^{allowed.} before empowered to grant for such office, a further sum not exceeding those hereinafter limited, that is to say.

IN THE DISTRICT OF QUEBEC.

To the office of Prothonotary of the Superior Court, a ^{In District of Quebec.} sum not exceeding two thousand dollars, yearly ;

To the office of Clerk of the Circuit Court at the City of Quebec, a sum not exceeding four hundred dollars, yearly ;

To the office of Clerk of the Peace, a sum not exceeding eight hundred dollars, yearly ;

IN THE DISTRICT OF MONTREAL.

To the office of Prothonotary of the Superior Court, a ^{In District of Montreal.} sum not exceeding two thousand dollars, yearly ;

To the office of Clerk of the Circuit Court of the Montreal Circuit, a sum not exceeding twelve hundred dollars, yearly ;

To the office of Clerk of the Peace, a sum not exceeding two thousand dollars, yearly ;

Each of which said sums shall only form part of the ^{But such additional remuneration only allowed while such offices are held by two or more persons, &c.} salary attached to the office to which it is so granted so long as such office so continues to be held by more than one person as aforesaid ; and the Governor may apportion such increase of salary among the persons conjointly holding and filling such office, in such manner as he deems expedient, having a due regard to the length of service of

each of the persons in the performance of the duties of such office, or of a similar office in any other court in any other district.

Reduction in case any two or more offices are held by the same person.

6. Whenever any two or more of the offices hereinbefore mentioned are at any time held and filled by the same person, then the Governor may reduce and fix at such sum as he deems expedient, the united salaries of the said offices, and in such case, the sum so established shall form the whole of the salary which such person shall be entitled to receive by reason of the said offices so held and filled by him; and the remainder of the salaries assigned to the said offices, respectively, shall then form part of the fund hereinbefore mentioned.

Criers to cease to receive fees.

7. The Criers (including the deputy criers and tipstiffs) attached to the Court of Queen's Bench and to the Superior Court, in each of the districts above mentioned, and to the Circuit Court at the *chef-lieux* above mentioned, or persons acting in that capacity in the said courts respectively, shall not be entitled to demand and receive for their own use and benefit, the salaries, fees, emoluments and pecuniary profits, allowed to or for the services of such Criers respectively; and the said salaries, fees, emoluments and pecuniary profits, shall form part of the fund above mentioned, and shall not be demanded and collected by the said Criers, but by the Prothonotaries or Clerks of the said courts, respectively;

Such fees to be collected by the Prothonotaries.

Who are to account therefor to the Minister of Finance.

2. The said Prothonotaries or Clerks shall account therefor to the Minister of Finance (*now the Provincial-Treasurer*) and pay over the amount thereof to the Receiver General (*now the Provincial-Treasurer*), in like manner and at the same time as they are required to account for and pay over the fees, emoluments and pecuniary profits attached to their own offices respectively.

8. Out of the amount annually collected of the said fees, ^{Criers to receive fixed salaries.} emoluments and pecuniary profits so allowed for the said Criers (including the tipstiffs) the Governor may assign an annual and fixed salary to each of the said Criers, and from time to time modify the same as he may deem expedient, which salary shall in no case exceed the sum of one thousand dollars;

2. But the Governor may from time to time diminish or ^{which may be increased or diminished.} increase the salaries of the High Constables, Criers, Assistant Criers, Tipstiffs, Gaolers, Turnkeys and Court-house Keepers attached to any of the said courts; provided no such salary shall in any case exceed the sum of one thousand dollars, yearly.

COMMISSIONS, PAYMENT OF SALARIES, SURPLUS OF FUNDS, &c.

9. The said Public Officers shall respectively be entitled for their own use and benefit to a commission of ten ^{Officer's commission on sums collected} per cent on the balance of the sums collected by them under this act ~~after~~ deducting therefrom their fixed salary, the remuneration of their deputies and Clerks, and the salary of the said Criers, ~~which~~ said commission may be charged and retained by them. *Affected by Stamp Act 27-2: Vict., chap. 5, sec. 7 and 8.*

Salaries and Fees of certain Officers of Justice.

10. The amount of such salaries, fees, emoluments and ^{Salaries of officers and other charges to be paid out of the General Fund.} pecuniary profits of what kind soever, attached to the aforesaid Offices, and forming the Fund so as aforesaid created, collected from the tenth day of September, one thousand eight hundred and fifty, to the thirty-first day of December, one thousand eight hundred and fifty-two, and the amount of the said Fund for any subsequent period, shall be appropriated to the payment of the fixed salaries assigned to the Officers above named, their Deputies and Clerks, and to the payment of such other sums as

are chargeable on the said Fund; and the said salaries shall be paid by quarterly payments;

Surplus to form part of Consolidated Revenue Fund and deficiency to be paid out of it.

2. The surplus (if any there be at any time) of the said Fund, after paying the salaries and other charges payable out of the same, shall form part of the Consolidated Revenue of the Province; and in case the said Fund at any time falls short of the amount of the said salaries and other charges on such Fund for the same period, the deficiency shall be paid out of the Consolidated Revenue Fund of the Province.

Additional salaries may also be paid out of such surplus.

11. Out of any surplus of the said Fund remaining at the close of any quarter, after payment of the salaries assigned to all the said officers, and before such balance is paid over to the Consolidated Revenue Fund, the Governor may pay such additional sum as he deems just to any officers employed in the administration of Justice in any of the Judicial Districts mentioned in the third section whose services have not, in the opinion of the Governor, been sufficiently remunerated during such quarter;

Such additional salary limited

2. Provided that in no case shall any such additional sum be paid to any officer who has received as a salary, or by fees, a sum of two hundred dollars, or more, for his services during such quarter; and the additional payment or payments made to any such officer in the course of any one year, together with the salary or fees received by him during the same year, shall not exceed the sum of eight hundred dollars.

DEPUTIES AND CLERKS.

Appointment of deputies and their powers.

12. Each of the Public Officers, mentioned in the third section of this act, who is not otherwise by law obliged to have and appoint a Deputy, shall be obliged to have and appoint one to assist him in discharging the duties of his office, and shall appoint such Deputy by an instrument under his hand and seal; and no provision in these Conso-

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lilated Statutes obliging like officers at other places to appoint deputies only when necessary for the despatch of the business of their offices, shall be construed to relieve the officers mentioned in the third section from the imperative obligation hereby imposed on them to appoint deputies.

2. Any such Deputy may perform the duties of the ^{Powers and duties of de-} Public Officer who has so appointed him as his Deputy, ^{puties.} and shall continue to perform the said duties in the event of the decease, dismissal, suspension or resignation of the said officer, until a person has been appointed to succeed such officer; and the instrument appointing such Deputy shall be entered at full length in the Register of the Court; *See 33 Vict., cap. 14.*

3. Any such officer may at any time remove his Deputy ^{Deputies may be removed and others appointed.} and appoint another in his stead; and the said officers may, if they think proper, respectively appoint in the manner and with the formalities prescribed in relation to the appointment of their first Deputy (and with like power of removal) other Deputies to assist them in that capacity, in the performance of any particular portion whatsoever of the duties of their office, such portion being specially and clearly described in the instrument appointing any such Deputy; and every such Deputy is hereby authorized to perform the duties so specially assigned to him in like manner as the Public Officer who appointed him;

4. The said Public Officers shall be and continue to be ^{Principals responsible for} Principals responsible to all intents and purposes, for the conduct of ^{their Deputies.} their Deputies respectively.

13. Each of the said Public Officers shall have a sufficient number of Clerks for the due performance of the ^{Each officer to have a sufficient number of clerks.} duties of his office; to each of whom, as well as to the Deputies of such officer, a reasonable remuneration may be granted, subject to the previous approval of the Lieutenant Governor; and for this purpose, each such officer shall

furnish every year to the Provincial Secretary, and oftener if thereunto required, a list of the Deputies and Clerks employed by him ; and as regards their number and remuneration, he shall conform to such instructions as may from time to time be transmitted to him in that behalf by the Provincial Secretary ; the amount of such remuneration shall be paid by such officer and by him entered under the head of expenses in the accounts rendered by him to the Minister of Finance (*now Provincial-Treasurer.*)

FEE FUNDS ESTABLISHED FOR THE OFFICERS OF JUSTICE,
IN THE NEW DISTRICTS—AND IN OTHER DISTRICTS
AFTER 1ST JANUARY, 1861.

Fees, &c., of
the judicial
officers in the
New Districts
to be funded.

14. The fees and emoluments of office of the several officers of the Superior Court, or of the Circuit Court at the *chef-lieu* including the Criers, Assistant-Criers, and Tipstaffs, Sheriffs, Coroners, Clerks of the Crown and of the Peace, in the New Districts, shall (except as hereinafter provided) be collected by such officers respectively and accounted for and paid over to the Receiver General (*now Provincial Treasurer*) after deducting any contingencies authorized by the Lieutenant Governor in Council, in like manner and subject to the like provisions as are made by the foregoing sections with respect to the fees and emoluments of similar officers in other districts.

Exception :
fees of criers
how collected.

2. Except always, that the fees of the Criers, assistant Criers and Tipstaffs shall be received, collected, accounted for and paid over to the Receiver General, (*now Provincial-Treasurer.*) by the Prothonotaries or Clerks of the said courts respectively ;

Such fees to be
funded separately
for each
District : how
to be applied.

3. The said fees and emoluments collected in each such District shall form a fund apart, to be called *The District of Officers of Justice Fee Fund*, and shall be distributed among the said Officers of Justice in the District in the form of yearly salaries, or otherwise, in such proportions as the Governor in Council may from time to time direct ;

4. And upon and after the first day of January, one thousand eight hundred and sixty-one, the Fund constituted by the fourth section shall be abolished, and the fixed salaries allowed to certain officers of justice by the sections preceding this, shall be discontinued, except only in the districts of Quebec and Montreal, and the foregoing provisions of this section shall thereafter apply to the officers of justice at the *chef-lieu* in every district in Lower Canada, except those of Quebec and Montreal;—and the said provisions shall also apply to the officers of justice at the *chefs-lieux* of the District of Gaspé, that is, to those of the counties of Gaspé and Bonaventure, as the case may be, so long as separate judicial officers exist in each of those counties, and the fund in each of the said counties at the *chefs-lieux* shall be called “The County of Gaspé (or Bonaventure, as the case may be) officers of Justice Fee Fund,” but this enactment shall not affect the persons who were incumbents on the nineteenth day of May one thousand eight hundred and sixty, of the offices mentioned in the third section of this Act, who, so long as they hold such offices, shall continue to receive the salary assigned or to be assigned to them under the foregoing sections, but shall pay over and account for the fees received by them in the manner thereby and hereinafter prescribed;

General Fund and salaries to cease after the 1st January 1861, except in Quebec and Montreal, and Fee Fund established for each district.

Provision as to Gaspé.

Exception in favour of present incumbents.

5. And the fees and emoluments collected by the Sheriff of the District of Quebec or Montreal, by the Prothonotary of the Superior Court in either of those Districts, or by the Clerk of the Circuit Court for either of them, shall be paid over to the Receiver General (*now the Provincial Treasurer*) and accounted for to the Minister of Finance (*now the Provincial Treasurer*), in like manner as in other districts, and any surplus thereof remaining after the payment of the salaries of the officers and the contingencies of those offices, shall at the close of every year, be paid over to the Sheriff, to form part of “The Building and Jury Fund” of the district; and this provision shall apply also to the fees

Surplus of Fee Fund in Quebec and Montreal to form part of Building and Jury Fund.

collected by the Clerk of the Crown and the Clerk of the Peace in those two Districts, if there be any excess of income over the expenditure of their respective offices.

Governor in Council may exempt certain officers from paying over fees, or order a portion to be paid over.

15. Notwithstanding the provisions of the next preceding section, the officers to which it applies may, by order of the Lieutenant Governor in Council, be exempted from paying over to the Receiver General, (*now the Provincial-Treasurer*) the fees collected by them, on accounting to him for the same, but they shall pay over to the Receiver General (*now the Provincial-Treasurer*) such portion of those fees as may, by the order of the Lieutenant Governor in Council be from time to time directed to be so paid to meet any contingencies, or any portion of them that may by any such order be directed to be reserved to form part of "The Building and Jury Fund," in any District.

Governor in Council may fix amount to be paid to Clerks of the Crown and Peace in lieu of Fees.

16. The Lieutenant Governor in Council may, from time to time, fix the amount that shall be paid to the Clerks of the Crown and Clerks of the Peace in all the Districts of Lower Canada, (except those of Quebec and Montreal, to whom the enactments hereinbefore made respecting the remuneration shall continue to apply,) for services performed by them, and for and in lieu of fees payable to them by the Crown, and any amount so ordered shall be paid accordingly.

ACCOUNTS UNDER THIS ACT.

Words "Salaries, Fees, &c." to include the Sheriff's commission.

17. The words "Salaries, Fees, Emoluments and Pecuniary Profits, or Fees and Emoluments" in the foregoing sections, shall include for the purposes of this act, the commission or remuneration of two and a half per cent or any other commission or remuneration which, under the laws now or then in force, the Sheriffs are authorized to charge upon and retain out of moneys levied by execution or otherwise, and also all other sums of money which the public officers aforesaid receive or may be entitled to re-

ceive for their use and benefit by virtue of their respective offices and under any authority whatsoever.

2. And faithful and detailed accounts of such Salaries, Fees, Emoluments and Pecuniary Profits, and of the various contingencies and charges payable out of the same, shall be rendered to the Minister of Finance (*now Provincial Treasurer*) and the moneys arising therefrom shall from time to time, be paid over by the officers authorized to collect the same, in such form and in conformity with such instructions as may from time to time be prescribed by the Minister of Finance (*now Provincial Treasurer*);

Accounts to be rendered.

3. The accounts to be rendered to the Minister of Finance (*now Provincial Treasurer*), under this act, by any public officers therein mentioned, shall be by such officer sworn to as true and faithful, on oath to be taken before one of the Judges of the Superior Court.

Accounts to be rendered under this act to be sworn to.

4. The Minister of Finance (*now Provincial Treasurer*) shall keep separate and distinct accounts for each District of the Officers of Justice Fee-Fund for such District.

Separate accounts for each district.

LIEUTENANT GOVERNOR MAY MAKE TARIFFS,—COURTS TO RETAIN POWER TO MAKE THEM FOR ATTORNEYS.

18. And whereas it is expedient to render the said officers of Justice Fee Funds as nearly as practicable adequate to the payment of the salaries or allowances of all the officers connected with the administration of Justice in Lower Canada, which are to be provided for under this act,—Therefore the Lieutenant Governor in Council may make any tariff, or repeal, alter or amend any existing tariff of Fees to be paid to the Prothonotaries of the Superior Court and to the Clerks of the Circuit Court in Lower Canada, and shall have and exercise all the powers formerly vested in the Judges of the Superior Court as to such tariff, but any such tariff in force when these Consolidated Statutes came into force shall remain in force until so repealed, altered or amended by the Lieutenant Governor in Council

Governor may make or amend tariffs for officers of Superior and Circuit Courts.

Governor may also make tariffs for certain other officers as well in the new as in the old Districts.

19. The power vested in the Lieutenant Governor in Council by the next preceding section of this act, to make, alter or repeal any tariff of Fees for certain officers of the Superior Court and Circuit Court shall extend to the making, and to the altering or repealing of any tariff of Fees (whether established by Act of Parliament or otherwise) for the Clerk of Appeals, Sheriffs, Clerks of the Crown and of the Peace, Criers, Assistant-Criers, and Tipstiffs, and all other officers of Justice whose fees are to form part of the officers of Justice Fee Funds established under this Act, as well in the New Districts as in the Districts of Quebec, Montreal, Three-Rivers, Saint Francis, Ottawa, Kamouraska and Gaspé ; — and such power of the Lieutenant Governor in Council to make, alter or repeal, from time to time, any tariff of Fees for any such officers respectively, shall extend to the making, altering or repealing, from time to time, of any tariff of Fees for Clerks, Criers, Assistant-Criers and Tipstiffs of the Circuit Court, at any place other than the *chef-lieu* in any District, although such fees are not to make part of any such Fund as aforesaid or to be paid over to the Receiver General (*now Provincial Treasurer*) ; — but any such tariff of fees for the officers above mentioned in force when these Consolidated Statutes came into effect, shall continue in force unless and until repealed or altered by the Lieutenant Governor in Council, and shall apply to the like officers as well in the new as in the old Districts, but subject always to any alteration made by the Lieutenant Governor in Council.

But Judges to continue to make tariffs of fees for Attorneys, &c.

20. None of the foregoing provisions shall extend or be construed to extend to deprive the above mentioned Courts of Justice or the Judges thereof, of the power possessed by them, or to relieve them from the obligation imposed on them by the laws of Lower Canada, to make and establish, from time to time, tariffs of Fees for the Counsel, Advocates

and Attorneys practising therein, and from time to time, as need may be, to make or amend such tariffs.

COMMISSION ON MONIES COLLECTED UNDER THE ACT 12
VICTORIA, CHAPTER 112.

21. The Lieutenant Governor in Council shall have full power and authority to grant and allow to the Prothonotary, Clerk, Registrar, Sheriff or officer authorized to collect and receive the duty or tax imposed by the Act passed in the twelfth year of Her Majesty's Reign, and intituled: An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada, or imposed at any time by any order or orders in Council under the authority of the said Act, upon the proceedings matters and things in and by the said act declared to be liable to such duty or tax, such sum for collecting and receiving the said duty or tax as to the Lieutenant Governor in Council seems just and reasonable, provided such allowance shall not exceed the rate of two and a half per centum on the amount of such duty or tax so collected and received. *Affected by 27-28 Victoria, chapter 5, secs. 7 and 8.*

Allowance to
Prothonotaries
for collecting,
&c., tax under
12 Vict., chap.
112.

22, 23 and 24. *Repealed by 32 Vic., cap. 27, sec. 31.*

25. *This section has now no application as sections 22, 23 and 24 are repealed.*

(The Quebec License Law of 1878, consolidated with amendments up to the 30th June 1881, will be found in the appendix to this Pamphlet.)



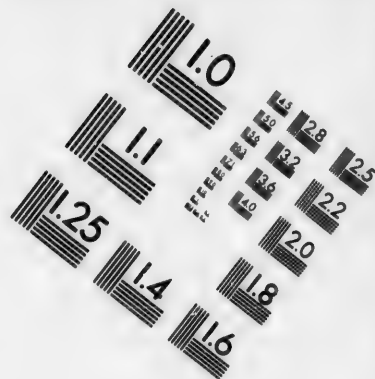
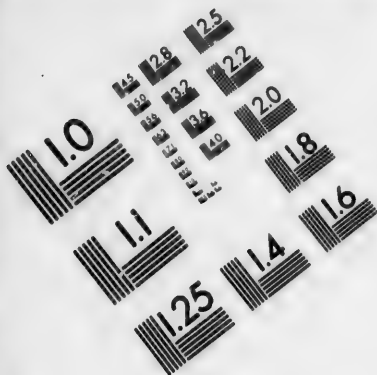
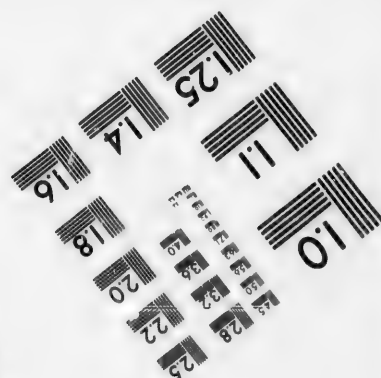
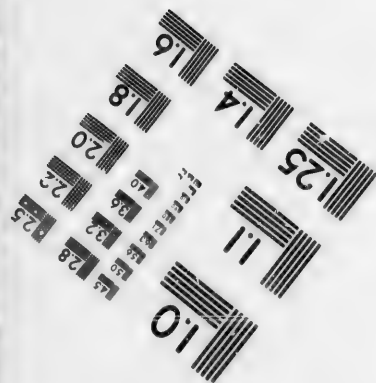
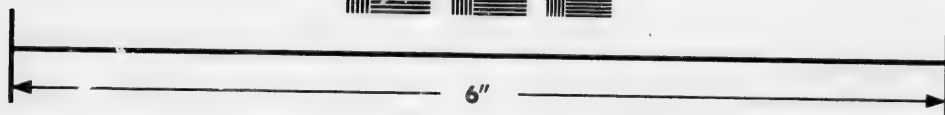
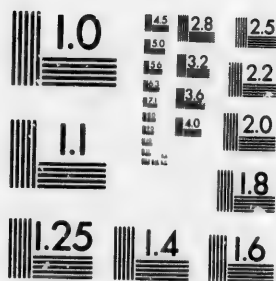


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AMENDMENT OF QUEBEC LICENSE LAW OF 1878.

45 VICTORIA.

CHAPTER 9.

An Act to amend the Quebec License Law of 1878, (41 Victoria, chapter 3).

[Assented to 27th May, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

41 Vic., ch. 3,
sec. 2, amended.

1. Section 2 of the Quebec License Law of 1878, (41 Victoria, chapter 3,) is amended by adding thereto after the word : "persons," in the first line thereof the words : "corporations or clubs."

Id. sec. 92, replaced.

2. Section 92 of the said law is repealed and the following section is substituted therefor :

Sale of liquors prohibited on certain days and during certain hours.

"92. Intoxicating liquors shall not be sold in any inn or restaurant at any place in the province, or in any tavern at the gold mines, on each and every day of the week from midnight until five o'clock in the morning, nor during the whole of each and every Sunday in the year, unless on a special demand for medicinal purposes, signed by a medical practitioner, or by a justice of the peace, and produced by the purchaser.

Liquors not to be drunk on the premises. Bars to be closed.

"The liquors so sold on special demand, shall not be drunk on the premises

"During the times when the sale of liquors is prohibited all the bars shall be kept closed."

41 Vic., ch. 3,
sec. 94, amended.

3. Section 94 of the said law is repealed and replaced by the following :

Fines.

"94. Every contravention of the articles, from article 81 to 91 inclusively, or of article 93, is punishable by a fine

of not less than ten dollars nor more than fifty dollars, in the discretion of the tribunal.

"Every contravention of article 92 is punishable by a fine of not less than thirty dollars nor more than seventy-five dollars in the discretion of the tribunal, and in default of payment of such fine, by imprisonment for a period not exceeding three months in the common gaol of the district in which the said infringement has occurred."

4. No offender against the provisions of section 92 of the Quebec license law of 1878, as amended by this act, or the act 42-43 Victoria, chapter 4, shall be liable to more than one condemnation for one and the same offence.

5. Section 47 of the act 43-44 Victoria, chapter 11, amend the Quebec License Law of 1878, is amended by striking out, in the fourth line, the words : " in such district or mining division," and substituting therefor the words : " within a radius of seven miles from any mine that is being worked."

6. This act shall come into force on the day of its sanction.

DOMINION STATUTE.

43 VICTORIA.

CHAPTER 28.

An Act to amend and consolidate the laws respecting Indians.

(Assented to 7th May, 1880.)

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

2. The following terms contained in this Act shall be held to have the meaning hereinafter assigned to them,

terms in this Act. unless such meaning be repugnant to the subject or inconsistent with the context:—

Indian. 3. The term "Indian" means—

First. Any male person of Indian blood reputed to belong to a particular band ;

Secondly. Any child of such person ;

Thirdly. Any woman who is or was lawfully married to such person.

Intoxicants. 9. The term "intoxicants" means and includes all spirits, strong waters, spirituous liquors, wines or fermented or compounded liquors, or intoxicating drink of any kind whatsoever, and any intoxicating liquor or fluid, as also opium and any preparation thereof, whether liquid or solid, and any other intoxicating drug or substance, and tobacco or tea mixed or compounded or impregnated with opium or with other intoxicating drugs, spirits or substances and whether the same or any of them be liquid or solid.

Punishment
for furnishing
intoxicants
to Indians.

90. Whoever sells, exchanges with, barter, supplies or gives to any Indian or non-treaty Indian in Canada, any kind of intoxicant, or causes or procures the same to be done, or connives or attempts thereat, or opens or keeps, or causes to be opened or kept on any reserve or special reserve, a tavern, house or building where any intoxicant is sold, bartered, exchanged or given, or is found in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian, or of any person, or upon any other part of the reserve or special reserve, or sells, exchanges with, barter, supplies, or gives to any person, on any reserve or special reserve, any kind of intoxicant shall on conviction thereof before any judge, Stipendiary Magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, or in the Province of Manitoba, in the District of Keewatin, in the North-West Territories or in the Province of British

Columbia, upon the evidence of the informer alone if he be a credible person, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labour; or be fined not less than fifty nor more than three hundred dollars, with costs of prosecution,—one moiety of the fine to go to the informer or prosecutor, and the other moiety to Her Majesty, to form part of the fund for the benefit of that body of Indians or non-treaty Indians, with respect to one or more members of which the offence was committed, or he shall be liable to both fine and imprisonment in the discretion of the convicting judge, Stipendiary Magistrate or justices of the peace; and the commander or person in charge of any steamer or other vessel, or boat, from or on board of which any intoxicant has been sold, bartered, exchanged, supplied or given to any Indian or non-treaty Indian, shall be liable, on conviction thereof before any judge, Stipendiary Magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, or in the Province of Manitoba, in the District of Keewatin, in the North-West Territories or in the Province of British Columbia, upon the evidence of the informer alone if he be a credible person, to be fined not less than fifty nor exceeding three hundred dollars for each such offence, with costs of prosecution,—the moieties of the fine to be applicable as hereinbefore mentioned; and in default of immediate payment of such fine and costs any person so fined shall be committed to any common gaol, house of correction, lock-up or other place of confinement by the judge, Stipendiary Magistrate or two justices of the peace before whom the conviction has taken place, for a period of not less than one nor more than six months, with or without hard labour, or until such fine and costs are paid; and any Indian or non-treaty Indian who makes or manufactures any intoxicant, or who has in his possession, or concealed, or who sells, exchanges with, barters, supplies or gives to any other Indian or non-

Penalties and their application.

Of commanders of vessels on board of which the same are furnished.

Penalties and their application.

Imprisonment in default of payment.

Punishment of Indians making or having intoxicants, or selling the

same to other Indians. treaty Indian in Canada any kind of intoxicant, shall, on conviction thereof, before any judge, Stipendiary Magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, or in the Province of Manitoba, in the District of Keewatin, in the North-West Territories, or in the Province of British Columbia, upon the evidence of the informer alone if he be a credible person, be liable to imprisonment for a period of not less than one month nor more than six months, with or without hard labour, or a fine of not less than twenty-five or more than one hundred dollars, or to both fine and imprisonment in the discretion of the convicting judge, Stipendiary Magistrate or justices of the peace; and in all cases arising under this section, Indians or non-treaty Indians shall be competent witnesses; but no penalty shall be incurred in case of sickness where the intoxicant is made use of under the sanction of a medical man or under the directions of a minister of religion. *As amended by 44 Vic., cap. 17, sec. 10.*

Fine or imprisonment, or both.

Evidence of Indians.

Proviso.

Keg, etc., in which intoxicants are carried to be forfeited.

Intoxicants and vessels containing them may be searched for, seized and destroyed by order of J. P.

91. The keg, barrel, case, box, package or receptacle whence any intoxicant has been sold, exchanged, bartered, supplied or given, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the remainder of the contents thereof, if such barrel, keg, case, box, package, receptacle or vessel aforesaid respectively, can be identified,—and any intoxicant imported or manufactured or brought into and upon any reserve or special reserve, or into the house, tent, wigwam or place of abode, or on the person of any Indian or non-treaty Indian, or suspected to be upon any reserve or special reserve, may upon a search warrant in that behalf being granted by any Judge, stipendiary magistrate or Justice of the Peace, be searched for, and if found seized by any Indian superintendent, agent or bailiff, or other officer connected with the Indian De-

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partment, or by any constable wheresoever found on such land or in such place or on the person of such Indian or non-treaty Indian; and on complaint before any judge, Stipendiary Magistrate or justice of the peace, he may, on the evidence of any credible witness that this Act has been contravened in respect thereof, declare the same forfeited, and cause the same to be forthwith destroyed; and may condemn the Indian or other person in whose possession they were found to pay a penalty not exceeding one hundred dollars nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor and the other half to Her Majesty, for the purposes hereinbefore mentioned; and in default of immediate payment, the offender may be committed to any common gaol, house of correction, lock-up or other place of confinement, with or without hard labour, for any time not exceeding six nor less than two months, unless such fine and costs are sooner paid.

As amended by 44 Vict., cap. 17, sec. 11.

Persons in whose possession they are found subject to penalty from \$50 to \$100. Imprisonment in default of payment.

92. When it is proved before any judge, Stipendiary Magistrate or two justices of the peace that any vessel, boat, canoe or conveyance of any description upon the sea or sea coast, or upon any river, lake or stream in Canada, is employed in carrying any intoxicant, to be supplied to Indians or non-treaty Indians, such vessel, boat, canoe or conveyance so employed may be seized and declared forfeited, as in the next preceding section, and sold, and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.

Vessels used conveying intoxicants in contravention of this Act subject to seizure and forfeiture.

93. Every article, chattel, commodity or thing in the purchase, acquisition, exchange, trade or barter of which, in contravention of this Act, the consideration, either wholly or in part, may be any intoxicant, shall be forfeited to Her Majesty and shall be seized as in the ninety-first section in respect to any receptacle of any intoxicant, and

Articles exchanged for intoxicants may be seized and forfeited.

may be sold, and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.

CONSOLIDATED STATUTES OF CANADA

CHAPTER 61.

An Act respecting pawnbrokers and pawnbroking.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enact as follows :

PAWNBROKERS.

Pawnbrokers' rates.

10. Every pawnbroker may take the following rates above the principal sum advanced, before he is obliged to redeliver the goods pawned, that is to say, for every pledge upon which there has been lent not exceeding fifty cents, the sum of one-half-penny (or $\frac{1}{2}$ of a cent) for any time not exceeding one month, and the same for every month afterwards, including the current month in which the pledge is redeemed, although such month has not expired ; and so on progressively and in the same proportion for every sum of fifty cents up to twenty dollars.

When the sum lent exceeds \$20.00.

11. When the sum lent exceeds twenty dollars, the pawnbroker may take upon all beyond that amount after the rate of five cents for every four dollars by the month, and so on in proportion for any fractional sums.

Which shall cover warehouse room.

12. Such sums respectively shall be in lien of and taken as a full satisfaction for all interest due and charges for warehouse room.

Time when and terms on which pawns redeemable.

13. The party entitled to and applying for the redemption of goods pawned, within fourteen days from the end of the first month after the same were pledged, may

redeem such goods upon paying the rate or profit payable for one month and a-half, but if redeemed after the expiration of the first fourteen days, and before the end of the said second month, the pawnbroker may take a rate or profit of the whole second month, and the like regulation and restriction shall take place in every subsequent month wherein application is made for redeeming goods pawned.

14. In all cases where the lowest fraction of the sum to Fractions. be received by any pawnbroker from persons offering to redeem goods is less than one half-penny (or $\frac{1}{2}$ of a cent) the pawnbroker may receive one-half penny (or $\frac{1}{2}$ of a cent) for the said fraction from the person redeeming the goods.

24. If any person counterfeits, forges, or alters any note Forging pawn-brokers' notes, &c. or memorandum given by a pawnbroker for goods pledged, or causes or procures the same to be done, or utters, vends or sells such note or memorandum, knowing the same to be counterfeited, forged or altered, with intent to defraud any person, such offender shall be punished as hereafter mentioned.

25. In case any note or memorandum aforesaid is Persons suspected of forging—how dealt with. uttered, shown or offered to any person, and such person has reason to suspect that the same has been forged, he may seize the person offering the same, and deliver him to a bailiff or constable, who shall convey him before some justice of the place where the offence has been committed, or nearest thereto, and if upon examination it appears to the satisfaction of such justice that such person is guilty, he shall commit him to the common gaol of the district or county for any time not exceeding three months.

26. If any person offers to any pawnbroker, by way of Consequences of not giving account of goods offered to be pawned. pawn or pledge, or of exchange or sale, any goods, and is not able or refuses to give a satisfactory account of himself or of the means whereby he became possessed of the goods, or wilfully gives any false information to the pawnbroker

or his servant as to whether such goods are his own property or not, or as to his name and place of abode or as to the owner of the goods, or if there is any other reason to suspect that such goods have been stolen or otherwise illegally or clandestinely obtained, or if any person not entitled, nor having any color of title by law to redeem goods that have been pawned shall attempt to redeem, the person to whom the goods first above mentioned are offered to be pawned or to whom the offer to redeem the goods in pawn is made, may seize and detain the person offering to pawn and the goods offered to be pawned, or the person offering to redeem as aforesaid, and shall convey such person and the goods offered to be pawned, or the person offering to redeem, and immediately deliver the person so offering to pawn and the goods offered to be pawned, or the person so offering to redeem, into the custody of a peace officer or constable, who shall, as soon as may be, convey such person and goods, or such person, as the case may be, before a justice of the district or county.

If a J. P. suspect goods to have been stolen.

27. If such justice, upon examination and inquiry, has cause to suspect that the said goods have been stolen or illegally or clandestinely obtained, or that the person offering to redeem hath not any pretence or color of right so to do, he shall commit the offender into safe custody for such reasonable time as may be necessary for obtaining proper information in order to be further examined, and if upon either examination it appears to the satisfaction of the justice that the said goods were stolen or illegally or clandestinely obtained, or that the person offering to redeem had not any pretence or color of right so to do, he shall, unless the offence authorizes such commitment by any other law, commit the offender to the common gaol of the district or county where the offence was committed for any time not exceeding three months.

84 VICTORIA.

CHAPTER 68.

Municipal Code of the Province of Quebec.

[Assented to 24th December, 1870.]

WHEREAS there exists in relation to municipalities a great number of statutes, from the multiplicity of which grave inconveniences result, and it is consequently expedient to consolidate, amend and arrange in methodical order, in one and the same code, the municipal laws of this Province; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, declares and enacts as follows :

BOOK SECOND, TITLE FIRST, CHAPTER FOURTH.

BY-LAWS SPECIALLY WITHIN THE JURISDICTION OF
LOCAL COUNCILS.

525. Every local council may further make, amend or repeal by-laws for each of the objects mentioned in this chapter :

SECTION V.

Sale of Intoxicating Liquors.

§ I.

Prohibition of the Sale of Intoxicating Liquors.

561. To prohibit the sale of intoxicating liquors in quantities less than three gallons, or one dozen bottles of at least three half pints each, at one and the same time, and the granting of licenses therefor, within the limits of the municipality and on the ferries which are dependencies of such municipality.

561a. To prohibit children or apprentices from frequent-

ing taverns, hotels, restaurants and stores, in which are retailed intoxicating liquors. (*Added by 41 Vic, c. 18, s. 22.*)

562. Every by-law made in virtue of the preceding article, whether for prohibiting the sale of intoxicating liquors and the issue of licenses therefor, or for repealing any such prohibitory by-law, only comes into force from the first day of the month of May which follows its promulgation, provided always that before such period an authentic copy thereof has been sent to the collector of inland revenue (*now the License Inspector*) of the district.

563. The collector of inland revenue (*now the License Inspector*) of the district cannot, so long as such by-law remains in force, issue licenses, authorizing the vending or retailing of intoxicating liquors in a quantity less than three gallons, or a dozen bottles of at least three half pints each, at one and the same time, in any inn, tavern, or other house or place of public entertainment, store, shop, or other locality whatsoever in the municipality.

564. If a prohibitory by-law has been annulled, the collector of inland revenue (*now the License Inspector*) cannot, within two months from the date of such judgment, grant any license, the issue of which the council prohibited or had the intention of prohibiting by such by-law so annulled.

During such interval, the council which passed the by-law so repealed, may make and put in force, according to the ordinary rules, another by-law for the same purpose, and send a copy thereof to the collector of inland revenue (*now the License Inspector*) of the district.

565. Licenses granted in contravention to the provisions of a prohibitory by-law, and to those of this code, are null and void, within the limits of the municipality where such provisions are in force.

No license issued to distillers, or brewers, or for the retail of intoxicating liquors on board of any steamer or other vessel, or any other license whatsoever, can in any wise avail to render legal any act done in violation of this section.

566. In any municipality in which a prohibitory by-law, made in virtue of article 561, is in force, no person shall, under a penalty of fifty dollars or imprisonment for three calendar months, or of both together, for each offence, expose or keep for sale, sell, barter, or give in exchange for any chattel or consideration, intoxicating liquors in smaller quantities than those prescribed by the said article, delivered, taken or carried away at one and the same time, by himself, his clerk, servant or agent, directly or indirectly, on any pretence whatsoever; unless it be for medicinal purposes or for use in divine worship by the person appointed for that purpose by resolution of the municipal council and licensed therefor under the Quebec License Law, and upon the certificate of a physician in favor of a patient under his immediate care or upon that of a clergyman in favor of a person whose spiritual adviser he is *bona fide*. (*As amended by 43-44 Vic., c. 11, s. 16*).

567. All obligations contracted under any form, or in any manner whatsoever, for liquor obtained in contravention of the provisions of this section, are held to have been contracted without any consideration, and are null and void, except in so far as a subsequent purchaser for value received and in good faith is concerned.

Any payment made, on such consideration, either in money, work, or any other articles whatsoever, is also held to have been made without consideration, and to be null and of no effect, and the amount or value of such payment may be recovered from the receiver by the party who made the same, before any court of competent jurisdiction.

§ II.

*Limitation of the Number of Licenses for the Sale of
Intoxicating Liquors.*

568. To limit and determine the number of licenses which the collector of inland revenue for the district may issue, for the sale of intoxicating liquors in taverns, inns, and other places of public entertainment, or in stores and shops.

569. The articles 562, 565 and 567, apply also to by-laws made in conformity with article 568.

570. If the council has passed a prohibitory by-law in virtue of article 561 the by-laws which have been made by the same council, in virtue of article 568, are suspended during the whole time such by-law continues in force.

§ III.

Miscellaneous Provisions.

571. The by-laws made by the council of a rural municipality, in virtue of the provisions of this section, are not subject to appeal to the county council.

572. All municipal by-laws and all provisions in any municipal by-law relating to the sale of intoxicating liquors, in force at the time when this code comes into effect, other than those which may have been made in virtue of articles 561 and 568, are repealed, dating from the first day of May following the coming into force of this code.

SECTION VI.

Storage of Gunpowder or other Explosive Substances.

573. To limit the quantity, not exceeding twenty-five pounds, of gunpowder or of any other explosive substance,

to be kept in any place other than a powder magazine; and to regulate the manner in which such gunpowder or other explosive substance must be stored.

574. To authorize the construction of buildings in which any quantity greater than twenty-five pounds of gunpowder or other explosive substance must be kept at one time, and also the walls or fences by which such buildings are to be surrounded at a fixed height and distance.

To prescribe the precautions which must be taken by any person whatever entering such buildings, or conveying gunpowder or other explosive substance to or from the same, within the limits of the municipality.

575. To restrict the storage of gunpowder or any other explosive substance, in quantities of twenty-five pounds or more, to certain limits within the municipality.

576. To provide that any gunpowder or other explosive substance, which is kept in a less quantity than twenty-five pounds, be placed in tin, lead or copper boxes.

577. To cause to be removed or confiscated any gunpowder or explosive substance, kept or conveyed contrary to municipal by-laws.

578. The municipal by-laws respecting the storage and conveyance of gunpowder, do not apply to Her Majesty's magazines or ammunition.

27-28 VICTORIA.

CHAPTER 5.

An Act for the collection by means of stamps, of Fees of office, dues and duties payable to the Crown upon Law Proceedings and Registrations.

(Assented to 30th June, 1864.)

Preamble.

WHEREAS it is expedient that all fees and charges payable to the Crown, for or upon any proceeding or matter in this act mentioned, shall be collected in the manner herein provided : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Stamps to be issued under order in Council.

1. Upon, from and after the first day of October next, stamps shall be issued by order of the Lieutenant Governor in Council, in such form and subject to such other directions as shall be thereby and as shall thereafter be from time to time by the like order provided, for the purposes hereinafter mentioned.

2. *Refers to Ontario.*

Sections applicable to L. C. only.

3. The following sections four, five, six, seven and eight, shall apply to Lower Canada only.

For what purposes stamps shall be used in L. C.

Sums payable to officers of Justice Fee Fund.

4. In Lower Canada, the provisions of this act shall apply in the following cases, that is to say :

1. To all fees of office payable or which may hereafter become payable to any Prothonotary, Clerk of Appeals, Clerk of the Circuit Court, Sheriff, Coroner, Clerk of the Crown, Clerk of the Peace, Clerk of any Judge of Sessions of the Peace, Crier, Assistant Crier or Tipstaff of any Court, and which under any statute now in force, or that may hereafter be passed, may form part of or be required to be paid into "The Officers of Justice Fee Fund," and so long as such fees continue to form part of such fund.

2. To every duty and tax imposed by the Act twelfth Victoria, chapter one hundred and twelve, intituled : An Act to make provision for the erection or repair of Court Houses and Gaols, at certain places in Lower Canada, or by the thirty second section of the one hundred and ninth chapter of the Consolidated Statutes for Lower Canada—and the subsections thereof, or imposed or that may be imposed by any order in Council under the authority of the said act, or of the said section, upon the proceedings, matters and things in and by the said act, or in and by the said section declared to be liable to such duty or tax, and which under any Statute now in force or that may be hereafter passed, may form part of or be required to be paid into " The Officers of Justice Fee Fund " or " The Building and Jury Fund " and so long as such fees continue to form part of such funds or of either of them.

Duties under
12 Vic., cap
112, or sect 32
of cap. 109
of Con Stat.
L. C.

5. But the provisions of this Act shall not apply to any commission or remuneration in the nature of a commission chargeable upon or retained out of moneys levied by execution or otherwise, even though they may form part of either of the said funds.

Not to apply
to any commis-
sion.

6. *Repealed by 43-44 Vic., cap. 9, sec. 18.*

7. No public officer shall be entitled to any commission or percentage upon any fees, taxes or duties collected by stamps under the provisions of this act, other than the commission hereby awarded upon the purchase of such stamps.

No commis-
sion on fees,
&c., so paid.

8. *Repealing clause.*

9. All the fees, dues, duties, taxes and charges payable under the said Acts and parts of Acts, shall be considered to be fees, dues, duties, taxes and charges payable to the Crown for the purposes of this Act, and shall throughout this Act be comprised in the word " fees " or " fee."

What shall be
included by
word " fees."

And by word
"officer."

10. The word "Officer" whenever used in this Act, and when applicable to Lower Canada, shall be held to comprise all Prothonotaries, Clerks of Appeals, Clerks of the Circuit Court, Sheriffs, Coroners, Clerks of the Crown, Clerks of the Peace, Clerks of Judges of Sessions of the Peace, Criers, Assistant Criers, Tipstiffs, Clerks of Commissioners Courts, Registrars.

No money to
be received for
such fees.

11. Upon, from and after the day in the first section mentioned, no money shall be paid to or shall be received by any Court or to or by any Officer entitled to receive any such fees as aforesaid, for any such fee due and payable to the Crown, under any of the said Acts.

No proceed-
ings on which
such fees are
payable to be
valid until all
dues are paid
by stamps.

12. Upon, from and after the said day, no matter or proceeding whatever upon which any fee is due or payable to the Crown as aforesaid, shall be issued or shall be received or acted upon by any Court or by any Officer entitled to receive any such fee until a stamp or stamps under this Act for the sum corresponding in amount, with the amount of the fee so due or payable to the Crown as aforesaid, for, upon or in respect of such matter or proceeding, and in lieu of such sum so due and payable to the Crown, shall have been attached to or impressed upon the same.

Proceedings
not duly
stamped to be
void.

13. Every matter and proceeding whatever, upon which any such fee is due or payable to the Crown as aforesaid, and which is not so duly stamped, shall, if not afterwards stamped under the provisions of this Act, be absolutely void for all purposes whatsoever.

Cases of
search, &c.,
provided for.

14. In all cases of search, examining and authenticating office copies of papers made by the Attorney or Solicitor, and in all other cases when it has not been customary to use in reference to such search, examination, authentication, matter or thing, any written or printed document or paper whereon the stamp could be stamped or affixed, the

party or his Attorney or Solicitor, requiring such matter or thing so to be done, shall make application for the same by a short note or memorandum in writing, and a stamp or stamps to the amount of the fee so payable, shall be stamped on or affixed to such note or memorandum.

15. No sheriff or other officer or person shall serve or execute any writ, rule, order or proceeding, or the copy of any writ, rule, order or proceeding upon which any such fee or charge is due or payable, and which is not duly stamped under this act, and every such service and execution contrary to this act shall be void, and no recompense shall be allowed therefor.

No unstamped process, &c., to be served.

16. No matter or proceeding which may have been duly stamped for the purpose for which it may have been used, shall be considered as stamped for any other purpose, in case another fee or charge is due or payable thereon for other or further use of the same matter or proceeding.

Another stamp required whenever another charge is due.

17. The court in which any such matter or proceeding is, or is pending, which ought to be, but is not so duly stamped, shall not, nor shall any judge of such court take or allow any matter or proceeding to be had or taken upon, or in respect of such matter or proceeding, although no exception be raised thereto by any of the parties, until such matter or proceeding has been first duly stamped.

Court to take notice of want of stamp, though no objection is made.

18. Any party to any matter or proceeding in any Court which ought to be, but is not so duly stamped, may apply to the Court in which such matter or proceeding is pending, or to any Judge having jurisdiction in the case, or to the Prothonotary or Clerk of such Court, for leave to have the same duly stamped, and in case this act has not been knowingly and wilfully violated, the application shall on payment of costs be granted for the duly stamping of such matter or proceeding with stamps of such amount beyond the fee due thereon as may be thought reasonable, not ex-

Court may allow stamps to be affixed on certain terms.

ceeding ten times the amount of the stamp. *As amended by 43-44 Vic., cap. 9, sec. 18.*

Retroactive
effect of order

19. The affixing of such stamp or stamps, under any order made for that purpose, shall have the same effect as if the said matter or proceeding had been duly stamped in the first instance.

Stamps used
to be obliterated so as not to
be used again

20 In every case in which a stamp or stamps has or have under this act, been attached to or impressed upon any matter or proceeding, it shall be the duty of the officer who may issue or who may receive such matter or proceeding, forthwith upon the issue or upon the receipt thereof, to cancel the same by writing or stamping or impressing in ink on such stamp his name and the date thereof, so as effectually to obliterate and cancel the stamp, and so as not to admit of its being used again.

Fees or dues to
the Crown in-
creased in cer-
tain cases.

21. All fees now payable or hereafter at any time to become payable shall, after the passing of this act, or after they shall become payable, be at the following rates: all such fees up to ten cents shall be made and paid, at ten cents; all from ten cents to twenty cents, at twenty cents all from twenty cents to thirty cents, at thirty cents; and so in like manner all other fees which are not multiples of ten cents, shall be stated and payable at the multiple of ten cents next above the sum at which they are so stated. *The remaining part of this section refers to Ontario.*

22. and **23.** *Repealed by 43-44 Vic., cap. 9 sec. 18.*

Allowance to
be made to
purchasers.

24. The Receiver General (*now the Provincial Treasurer*) shall, subject to the provisions hereinafter contained, allow to any person who takes at any one time stamps to the amount of five dollars or upwards discount at the rate of five per centum.

Governor may
make any per-
son sole vendor

25. The Lieutenant Governor by order in Council may, however if he deems it expedient to do so, make arrange-

ment with any particular person or persons, for the sole sale of stamps in any locality, and for such sale of stamps to him or them in any locality, and for such time as may be thought expedient, at any rate of discount, not exceeding however the rate above stated, and in such case, the Receiver General (*now the Provincial Treasurer*) shall not issue any stamps to any other person or persons in the locality specified in such order in Council.

26. In case an arrangement is so made with any person or persons for the issue of stamps, as under the next preceding section mentioned, each such person shall be bound at all times to keep on hand such a supply of the different kinds of stamps, during the time for which the arrangement lasts, as may be reasonably expected to be required of him and he shall be bound to sell the same to all persons who may demand the same upon payment to him of the amount or value of such stamps; and in case of any violation of any duty imposed by this section, he shall forfeit as a penalty to Her Majesty a sum not exceeding twenty dollars, and shall further be liable for the damages sustained by any party through such violation of duty.

27. The Lieutenant Governor in Council may, from time to time, make such regulations as may be thought expedient, for an allowance for such stamps issued under this Act as may have been spoiled or rendered useless, or unfit for the purpose intended, or for which the owner may have no immediate use, or which through mistake or inadvertance may have been improperly or unnecessarily used; and such allowance shall be made either by giving other stamps in lieu of the stamps so allowed for, or by repaying the amount or value to the owner or holder thereof, after deducting the discount (if any), allowed on the sale of stamps of the like amount.

28. In case it may be necessary to distinguish the stamps which are issued for any special fund or purpose

As to stamps issued for any special fund, or purpose.

Obligations of such persons.

Penalty for contravention.

Allowance for stamps spoiled or returned.

from those which are applicable to the Consolidated Revenue of the Province, the Lieutenant Governor may, by order in Council, direct such distinction to be made and observed in such manner, and from and by such means or differences in the lettering or numbering, or in the colour or form or otherwise of the stamp, as he may find or consider it to be necessary or expedient.

Penalty for issuing, &c., any writ or proceeding without having it duly stamped.

29. Every person who shall knowingly issue, or shall knowingly receive, procure or deliver, or who shall knowingly serve or execute any writ, rule, order, matter or proceeding upon which any fee is due or payable to the Crown as aforesaid, without the same being first duly stamped under this Act, for the fee payable thereon, shall be subject for the first offence, to a fine not exceeding ten dollars, for the second offence to a fine not exceeding fifty dollars, and for the third and every subsequent offence to a fine of two hundred dollars; and in default of payment of such fines to an imprisonment not exceeding one month for the first offence, three months for the second offence and one year for the third and any subsequent offence.

For not properly obliterating stamps.

30. Every person who shall fail or omit to obliterate and cancel any stamp, in the manner and at the time hereinbefore provided, shall be subject to a fine not exceeding twenty dollars, and in default of payment thereof, to imprisonment for a period not exceeding two months.

Application of fines.

31. All fines imposed by this Act shall be paid to the Receiver General, (*now the Provincial Treasurer*) for the general uses of the Province, and shall be recovered before any Court having competent jurisdiction to the amount, at the instance of Her Majesty's Attorney General; and the production of any such writ, rule, order, matter or proceeding unstamped, or stamped for too low and insufficient a sum, or the stamp of which is not properly and sufficiently obliterated

Proof in suits for fines.

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CHAPTER 9.

(Assented to 24th July, 1880.)

1. The words: "revenue" and "revenue officer" in this Act, have the meaning and extent assigned to them in the treasury department act, 31 Vic., cap. 9, sec. 1.

27-28 Vict.
cap. 5.

2. The words : " stamps " or " stamp " or " stamped paper " refer to and include all stamps or stamped paper, issued in respect to matters, subject to the control of this Legislature, under chapter five of the Statutes of the late Province of Canada, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, and intituled : " An Act for the collection by means of stamps, of fees of office, dues and duties payable to the Crown upon law proceedings and registrations,"—or under this act or any act of this Legislature,—or under any order in Council of the Governor of the said late Province, or of the Lieutenant Governor of this Province founded on or recognized by the said Acts or any thereof.

Application of
words " du-
ties " and
" duty."

3. The words : " duties " or " duty " refer to, and include all fees, dues, duties, taxes and charges, in respect of matters subject to the control of this Legislature, and which under the term : " fees " or otherwise, are within the purview of the said Act of the late Province of Canada,—and all money payments, which, under any Act, order in Council, or other authority, are due or payable to or through any public department or officer, by reason of any matter, subject to the control of this Legislature, and which under any Act or Order in Council, are or may be collected or paid by means of stamps,—and all revenue whatever which under any Act or Order in Council, is or may be so collected or paid.

Duties payable
to the Crown.

2. And all such duties are and shall be deemed to be payable to the Crown.

Meaning of
expression
" instrument
to be stamp-
ed.

4. The words : " instrument requiring to be stamped " refer to, and include all matters, proceedings, memoranda, deeds, instruments, documents, and papers of whatever kind, subject to the control of this Legislature, and which under the said Act of the late Province of Canada or under this Act, or under any Order in Council, founded on, or recognized by either of such Acts, require to have any

stamp attached thereto or impressed thereon,—and also all letters-patent, commissions, licenses, certificates and instruments whatever, whether originals, exemplifications or copies, which, under this Act or any Act of this Legislature, or under any Order in Council founded on, or recognized by such Act, require to have any stamp attached thereto or impressed thereon.

5. The words : " officer subject to this Act," refer to Application of the expression " officers subject to this Act." and include every officer, having any charge as to matters subject to the control of this Legislature, and who, under the name of " officer," or otherwise is within the purview of the said Act of the late Province of Canada, and every revenue officer having any function to discharge in reference to any stamps, and every person having any such function, in virtue of any Act of this Legislature or of any order of the Lieutenant Governor in Council.

6. No certificate of the registration of any deed, instrument or document, or of any search on which deed, instrument, document or search, a duty, payable by stamps, is then Certificate of registration or search of no effect unless stamped. imposed under this Act, shall be received in any court as evidence or be of any effect whatever, until the proper stamp, for the payment of such duty is attached to such certificate or impressed thereon, whether written on such deed, instrument or document, or given separately ; saving always the power, vested in the proper court, judge or officer, by the eighteenth section of the said Act of the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, as amended by this Act, to allow stamps to be affixed on the application of any party.

7. Each Registrar in the Province of Quebec shall keep Registrar to keep memorandum of searches made. a book, in which he shall enter briefly, day by day, and as they occur, a note of every search made in his office, stating the name of the person, demanding or making such search, and the duty paid for each, and whether or not he

has granted a certificate of such search ; and opposite to every note of a search, whereof he shall not have given a certificate, he shall affix a stamp, for the duty payable for such search, if such duty be then payable by stamps ; and each Registrar shall hereafter state, in the returns which he is bound to make under the act of the present session intituled : " An Act respecting public officers of the Province of Quebec " the amount of the duties, which he shall have received during the period covered by each such return, for searches made in his office, as well as of the amount of the duties received by him, under the authority of this act.

Duties imposed on documents registered.

8. There shall be imposed, levied and collected, on each deed, instrument or document, registered in any registry office, and on every search made therein, the following duties :

On every will, marriage contract, or donation.	80 cents.
On every deed, or instrument effecting or evidencing the sale, exchange, hypothecation, or mortgage of real property, for a sum or consideration less in value than \$400.....	10 cents.
If \$400 and less than \$1000	30 cents.
If \$1000 or over	50 cents.
On every other deed or instrument, registered filed or deposited	20 cents.
On every search, with or without certificate ...	10 cents.

By whom duties are to be paid and how.

The said duties shall be paid by the party requiring such registration or search, and shall be payable in stamps, issued under the provisions of this act ; but no fee or duty shall be paid or exigible for the deposit of any notice, list or other document mentioned in the act of this session, intituled : " An Act to provide for the better protection of hypothecary creditors and to give greater publicity to the seizure and sale of real estate," nor for the deposit of any voters' list or other municipal document ; and moreover no

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fee or duty shall be due or payable for the renewal of enregistration of deeds or instruments, on which a duty had already been paid at the time of their first enregistration.

9. There shall be imposed, levied and collected a duty of ten cents on every writ of summons, issued out of any County Circuit Court, Magistrates' Court, or Commissioners' Court in the Province; and a duty of ten cents shall be imposed, levied and collected, on each promissory note, receipt, bill of particulars and exhibit whatsoever, produced and filed before the Superior Court, the Circuit Court, or the Magistrates' Court,—such duties payable in stamps.

Duties upon writs of summons in certain Courts.
Promissory notes and exhibits.

10. No instrument requiring to be stamped, shall be issued, received, acted on or recognized, by any Officer, subject to this Act, or by any Court, Judge or person whatever,—or avail in evidence, or otherwise for any purpose whatever,—until all and every the stamps, requiring to be attached thereto or impressed thereon, have been duly so attached or impressed.

Instrument of no effect, unless stamped.

11. Every Officer, subject to this Act, on issue or receipt of any such instrument having any stamp or stamps attached thereto or impressed thereon, shall forthwith cancel every such stamp, by writing or impressing thereon in ink, his name and the date of such cancellation, so as effectually to prevent it being used again, or shall cancel such stamp in any other manner that the Lieutenant Governor may direct.

Stamps to be cancelled.

12. Every Officer, subject to this Act, shall be deemed to be as such a Revenue Officer, within the meaning of, and subject to, the Treasury Department Act.

Officers deemed to be revenue officers.

13. All needed supplies of stamps and stamped paper, shall be procured from time to time by the Treasurer;

Stamps, &c., to be supplied by treasurer.

2. The Assistant Treasurer shall have direct charge of

Assistant trea-

sure to have
charge.

Detailed ac-
counts to be
kept.

such supplies,—and shall make issue therefrom, only upon certified requisitions reaching him through the Auditor ;

3. Exact detailed accounts of all stamps and stamped paper, procured and issued, shall be kept, both by the Assistant Treasurer and by the Auditor, in such form and under such regulations, for the assurance of the responsibility attaching to each of them, as to all matters therewith connected, as the Lieutenant Governor, by order in council, or (subject to all such orders) the Treasurer, may make from time to time.

Lieutenant-
Governor may
order that cer-
tain payments
be made in
stamps.

14. The Lieutenant Governor may, from time to time, by order in council, provide, that on and after such day as may be therein named, and after at least one month's notice thereof, given in the *Quebec Official Gazette*, any money payments, therein designated, which, under any act, order in council or other authority, are due or payable to, or through any public department or officer, by reason of any matter, subject to the control of this Legislature, shall or may be collected or paid by means of adhesive stamps or stamped paper :—and, on and after the same day, all letters patent, commissions, licenses, certificates and instruments whatever, whether originals, exemplifications or copies, for or by reason of which, such money payments are made, or which are in any wise connected therewith, or relative thereto, shall require to have stamps attached to, or impressed upon them, or be written or printed upon stamped paper, as by such order is provided.

Any such pay-
ments shall
then be made
in stamps.

15. On and after the day so fixed, such notice having been duly given, the money payments, so indicated, shall or may be so collected or paid by means of adhesive stamps, or stamped paper, as by such order is provided ;—and all letters patent, commissions, licenses, certificates and instruments whatever, whether originals, exemplifications or copies, for or by reason of which, such money payments are made, or which are in any wise connected therewith,

or relative thereto, shall require to have such stamps attached to, or impressed upon them, or be written or printed upon stamped paper, as by such order is provided.

16. Any such order may, at any time thereafter, be amended or repealed, by another Order in Council, notified in like manner, and for the like term. Orders may be amended or repealed.

17. The Lieutenant Governor may, from time to time, by order in Council, provide, that on and after such day, as may be therein named, and after at least one month's notice, given by proclamation in the *Quebec Official Gazette*, all and any stamps or stamped paper, or all stamps or stamped paper, of any one or more values or denominations, or forms and patterns, in such order and proclamation designated, shall cease to be stamps or stamped paper, or to be issued or received or avail as stamps or stamped paper; and, by such order and proclamation, may provide for the calling in and cancelling thereof, and for the procuring and issuing instead thereof, and the exchanging therefor, of other stamps or stamped paper of like or other value or denomination, or form or pattern, in such order and proclamation designated; - and all the provisions of the stamps' regulation act shall, on and after such day, apply to all stamps or stamped paper, issued in terms of such order and proclamation, to all intents as theretofore, to the stamps or stamped paper, thereby called in; and all provisions whatever of such order and proclamation, in any wise relative to such calling in, cancelling, procuring, issue or exchange aforesaid, shall have force in law, to all intents, as though herein expressly set forth and enacted. Lieutenant-Governor, by order in Council, may call in stamps, &c. And issue others.

18. Section 18 of the Act of the late Province of Canada, 27-28 Vict., chap. 5, is amended by adding thereto, after the words: "in the case", in the fourth line thereof the following words: "or to the prothonotary or clerk of such courts", and sections 6, 22 and 23 thereof are hereby re- Sec. 18 of 27-28 Vict., chap. 5, amended.

ss. 6, 22 and 23 thereof repealed. **19.** The Act 29-30 Vict., chap. 28, of the late Province of Canada,—sections 1 and 2 of the Act 39 Vict., chap. 8;—**20.** This Act and the said Act, 27-28 Vict., chap. 5, of the said late Province of Canada, as hereby amended, shall be read together as one Act,—and may be cited as “The Stamps’ Regulation Act”;—and all the provisions thereof, so read together, shall extend and apply to all stamps, stamped paper and duties, as hereby defined, and to all instruments requiring to be stamped, and to all officers subject to this Act.

29 Vic., c. 28, —ss. 1 and 2 of 39 Vic., cap. 8;—31 Vic., c. 2, and 33 Vic., c. 2, and 39 Vic., cap. 9, repealed; and certain orders in council also repealed. **19.** The Act 29-30 Vict., chap. 28, of the late Province of Canada,—sections 1 and 2 of the Act 39 Vict., chap. 8;—**20.** This Act and the said Act, 27-28 Vict., chap. 5, of the said late Province of Canada, as hereby amended, shall be read together as one Act,—and may be cited as “The Stamps’ Regulation Act”;—and all the provisions thereof, so read together, shall extend and apply to all stamps, stamped paper and duties, as hereby defined, and to all instruments requiring to be stamped, and to all officers subject to this Act.

Present not & 27-28 Vic., cap. 5, one act

Name of act.

CONSOLIDATED STATUTES FOR LOWER CANADA

CHAPTER 103.

An Act respecting Houses of Correction, Court Houses and Gaols.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Legislative Assembly of Canada, enacts as follows :

Fund established for repairing Court Houses and Gaols, and paying Petit Jurors in criminal cases.

13. For keeping in good repair the District Court Houses and Gaols erected or to be erected (including those aforesaid in the District of Gaspé, each County in which shall be considered a district for the purposes of this Act), and for paying the Petit Jurors in criminal cases in the same, there shall be, in and for each such District, a Fund, to be called “The Building and Jury Fund for the District of _____” (as the case may be, or of the county of _____ in Gaspé), which shall consist of :

in Gaspé), which shall consist of :

1. All fines, forfeitures and pecuniary penalties collected Police fines. in the District under the Police Ordinances and Acts, as extended by the twenty-ninth section of chapter twenty-four and consolidated in chapter one hundred and two of these Consolidated Statutes ;

2. The Crown's share of all fines, forfeitures or pecuniary penalties collected in the District on summary convictions Summary conviction fines under Con. Stat. Can. c. 91, 93. under chapters ninety-one and ninety-three, of the Consolidated Statutes of Canada. *(These chapters have been repealed by 32-33 Vic., Can., cap. 36, and the matters regulated by them now come under 32-33 Vic., Can., cap. 20 and 22).*

3. The Crown's share of all fines, forfeitures or pecuniary penalties collected within the District under chapter twenty-two of these Consolidated Statutes ; Fines under cap. 22.

4. Any surplus of the Officers of Justice Fee Fund at Surplus of certain Fee Funds. Quebec and Montreal after paying the charges on the said Fund ;

5. One per centum upon all moneys levied by the Sheriff of the District, or by any Bailiff residing therein, under execution in any civil case ; such percentage to be retained by the Sheriff or Bailiff out of the sums returned into Court, and payable to each party collocated in and by the judgment of distribution. *As replaced by 28 Vict., cap. 12, sect. 1.* Percentage on moneys levied in execution.

6. All fines levied in the District under chapter one hundred and five or one hundred and six of the Consolidated Statutes of Canada *(now 32-33 Vic., Can., cap. 32 and 33)*, respecting the trial and punishment of Juvenile Offenders ; Fines under Juvenile Offenders' Act.

7. All fines levied in the District for contempt of Court, or for non attendance of Jurors or Witnesses, or disobedience to any order of the Court ; And on Jurors and witnesses.

8. All fines levied in the District under the forty-first section of chapter twenty-six of these Consolidated Statutes ; Fines under c. 26.

Fines mention-
ed in s. 21.

9. All fines and forfeitures belonging to the said Fund under section twenty-one of this Act ;

Tax under s.
32—exception.

10. The proceeds of any tax levied under section thirty-two of this Act in any District except such portion as is not levied at the *chef-lieu* thereof ;

Portion and
tax of fees
under s. 32.

11. Any surplus or other portion of fees received by Officers of Justice and payable into the Building and Jury Fund, under the provisions of the fourteenth or fifteenth sections of chapter ninety-three of the Consolidated Statutes of Lower Canada, and the proceeds of any additional contribution imposed under section nineteen of this Act ;

Yearly contri-
bution by local
Municipali-
ties ;

12. A yearly contribution of twelve dollars from each local municipality in the District, subject to the following exceptions and provisions, that is to say : (*as replaced by 45 Vict., cap. 25, sec. 1*) ;

By Cities of
Quebec and
Montreal.

The local municipalities or corporations of the city of Quebec and Montreal shall each contribute double the aggregate amount to be so contributed by all the other local municipalities within the Districts of Quebec and Montreal, respectively ;

By Three-
Rivers and
Sherbrooke.

The local municipalities or corporations of the City of Three-Rivers and the Town of Sherbrooke shall each contribute a sum equal to one fifth of the aggregate amount to be so contributed by all the other local municipalities within the Districts of Three-Rivers and St. Francis respectively ;

And the counties of Compton and Richmond in the district of St. Francis shall pay an annual contribution equal to that payable by any county within the limits of which a court-house and gaol are built. *Added by 31 Vict., cap. 16, sec. 8.*

When payable
and how en-
forced if not
paid.

And the said contributions shall be paid to the Sheriff by such Municipalities, respectively, in the month of August, one thousand eight hundred and sixty-one, and in the same month in each year thereafter in the Old Dis-

tricts, and in the New Districts in the month next after that in which the District in which such Municipalities respectively lie, has become a Criminal District under a Proclamation issued under section eight or section nine of chapter seventy-six of these Consolidated Statutes, and in the same month in each year thereafter, and if not so paid, may be recovered by the Sheriff for the time being as a debt due to him, or, in his option, may be levied by him from the rate-payers in the Municipality in default by an equal rate on their taxable property according to the valuation roll then in force; and for collecting and enforcing such rate, and the costs of levying the same, the Sheriff shall have the powers vested in the Secretary-Treasurer of such Municipality for the collection of rates duly imposed and to be collected by him in such Municipality.

The term local municipality in this section includes the corporation of any incorporated city or town in Lower Canada.

13. Any other sum, directed by any Act or Law to form Other sums. part of the Building and Jury Fund.

16. The yearly contribution, to be made by local municipalities to the Building and Jury Fund, for the district in which they are respectively situated, shall not be payable in any district when the other sources of revenue constituting the fund are sufficient, without such contribution, to meet the charges upon the Building and Jury Fund of such District. *As replaced by 45 Vict., cap. 25, sec. 3.*

17. The Building and Jury Fund for any District shall be received and disbursed by the Sheriff, who may demand and recover from any person, any moneys which belong to the said Fund; and the Sheriff shall render an account thereof to the Minister of Finance, *(now the Provincial Treasurer,)* at such time, and in such manner and form as that officer shall appoint, and such account shall be audited by the Board of Audit; and

Annual contribution of the municipalities not payable in certain cases.
Fund to be received and disbursed by the Sheriff.
Under what supervision, &c.

the Sheriff shall be deemed an Officer employed in the collection of the Revenue within the meaning of chapter sixteen of the Consolidated Statutes of Canada (*now 32 Victoria, chapter 9*) ; and any surplus moneys forming part of such Fund may be invested by the Sheriff in Government securities, with the approval of the Minister of Finance, (*now the Provincial Treasurer*), and subject to such conditions as he thinks proper.

It will be a misdemeanor for any Bailiff or other Officer or person to refuse or neglect to pay over to the Sheriff, at the time by law prescribed, any moneys which ought to form part of the Building and Jury Fund, and have been received by or come into the hands of such Bailiff, Officer or other person.

Provision for
re-building or
enlarging any
District Court
House or Gaol

18. If at any time it becomes necessary to re-build or enlarge any District Court House or Gaol, the same shall be re-built or enlarged by the Commissioner of Public Works, but at the expense of the Municipalities in the District, and if the Fund established by the next preceding sections added to the sum (if any) recovered by the Sheriff for the insurance thereon, is not sufficient to defray the expense of re-building or enlarging, then the sum required to make good the deficiency shall be furnished by the said Municipalities, in the proportions mentioned in the twelfth paragraph of section fifteen of this Act, and shall be paid over to the Sheriff, at such time as shall be prescribed by the Governor in Council, after such re-building or enlarging has been commenced, and if not so paid may be recovered by the Sheriff in the same manner and with the same powers as they are provided and given for the recovery of the contributions mentioned in the said twelfth paragraph ; and the moneys in the hands of the Sheriff applicable to such re-building or enlarging shall be disbursed by the Sheriff under the direction of the Commissioner of Public Works.

Sheriff to dis-
burse the mo-
ney.

19. If at any time the said Fund is found in any District Contributions to Fund may be diminished if it prove too large, and vice versa.
to be too large for the purposes to which it is made applicable, the contributions payable thereto by Local Municipalities in such Districts may be diminished by order of the Lieutenant Governor in Council to such extent as he deems advisable; and if at any time the said Fund be found insufficient in any district for such purposes, the said contributions may be increased by a like order to the extent which the Lieutenant Governor in Council deems expedient, but observing the same proportion as to the amount payable by the several Municipalities.

20. All fines heretofore payable to the Prothonotary under the provisions of the thirty-fifth section of the one hundred and fifth chapter and the fourteenth section of the one hundred and sixth chapter of the "Consolidated Statutes of Canada," (now 32-33 Vic., Can., cap 32 and 33 which Certain fines payable under sec 35 of cap. 105, and sect. 14 of cap. 106 of Con. Stat. of Canada to form part of the said fund.
re-enact the provisions of the chapters mentioned and varied in this section) shall be paid to the sheriff and shall, together with any sums in the hands of the Prothonotary, collected under the authority of either of those sections, or under any Act or Acts consolidated under those Chapters, form part of "The Building and Jury Fund," for the District.

21. All moneys arising in any District from fines and penalties paid into the hands of the Clerk of the Peace, or of the Crown from the forfeiture of bonds or recognizances, and not forming part of the Consolidated Revenue Fund of this Province, shall be paid over to the Sheriff of such District and shall form part of the Building and Jury Fund thereof;—and out of that Fund payment shall be made of the price or value of the ground on which any Gaol or Court House at or near the *chef-lieu* in such District is erected, which yet remains unpaid for.
Certain fines and forfeitures to make part of the fund.

22. Whenever it becomes necessary to build or rebuild any Court House or Gaol in any District of Lower Canada, the Governor in Council to fix the site of any Court House or Gaol to be
such Court House or Gaol may be erected at or near the

built or re-
built.

chef-lieu of the District, at such place as the Governor in Council shall direct, and so soon as it is ready, it shall be used for all the purposes of the administration of justice :

Powers vested
in certain Sher-
iffs.

2. And the jurisdiction and powers conferred upon and vested in the Sheriff of any District in Lower Canada, (other than the Districts of Quebec and Montreal,) are hereby conferred upon and vested in any Sheriff in and for the Counties of Gaspé or Bonaventure, in the District of Gaspé, as the case may be, so long as separate judicial officers shall exist in each of those Counties, and upon and in the Deputy of any such Sheriff.

Sheriff may
provide tem-
porary accom-
modation, in
case of such
re-building.

23. In any case in which it becomes necessary to rebuild a Court House or Gaol, the Sheriff in any District may, during its reconstruction, procure temporarily at or near the *chef-lieu* at a place to be approved by the Lieutenant Governor in Council, a building suitable for a Court House or Gaol, or both, as the case may be, which shall be used for the purposes of the administration of Justice in Civil and Criminal matters, in the same manner and with as legal effect as a permanent Gaol and Court House might be.

Funds for re-
building, &c.,
any Gaol or
Court House
may be raised
by Provincial
Debentures :
re-payment
provided for.

24. The Governor may, by order in Council, authorize the Receiver General, (*now Provincial Treasurer*), to raise, from time to time, and upon such terms and conditions as may be deemed proper, such sum or sums of money as may be required to meet the expense of rebuilding, repairing, or enlarging any Gaol or Court House in any District of Lower Canada, by the issue of Provincial Debentures, and any Debentures so issued shall be the first charge on and be paid out of the Building and Jury Fund for the District, or for the County of Gaspé or Bonaventure, as the case may be.

Court Houses
and Gaols not
required may
be sold.

25. If in any District in Lower Canada any Court House or Gaol is no longer required for the use of such District, the Commissioner of Public Works may cause the same

and the site on which it is situate, to be sold, and the proceeds of such sale shall form part of the Building and Jury Fund for the District, or for the County of Gaspé or Bonaventure, as the case may be.

LOCAL PROVISIONS.

26. Each of the Counties of Gaspé and Bonaventure shall for the purposes of the foregoing provisions of this Act, be deemed a separate and distinct District, and "The Building and Jury Fund for the District of Gaspé" shall be called "The Building and Jury Fund for the County of Gaspé" (or "Bonaventure" as the case may be,) so long as separate judicial officers exist in each of those Counties.

Counties of Gaspé and Bonaventure to have each a separate Fund.

27. All the provisions of the first five sections of the next following chapter of these Consolidated Statutes, shall extend and shall apply to the District of Gaspé, for the purpose of repairing and enlarging the Gaols and Court Houses at the *chefs-lieux* of that District, in the Counties of Gaspé and Bonaventure.

Certain sections to apply to Gaspé.

28. So soon as the Council of the County of Gaspé has furnished at Gaspé Basin a site suitable for a Gaol and Court House, and such means as, added to the Building and Jury Fund for that County, will suffice to build a Gaol and Court House, the Lieutenant Governor may order the building of a Gaol and Court House thereat; and so soon as such Gaol and Court House are completed at Gaspé Basin, the Lieutenant Governor may make known the fact by proclamation, and by such proclamation may fix, for all the purposes of the administration of justice, Gaspé Basin as the "chef-lieu" instead of Percé, in the said County.

Chef-lieu of Gaspé County may be changed on certain conditions.

29. All the provisions of "*An Act to provide means to recover from the Corporation of the City of Montreal, part of the expense incurred in guarding the Common Gaol at that place*" (14 & 15 Vict., cap. 129) shall, from and after the

14, 15 V. c. 129, extended to Quebec.

Proviso.

first day of August, 1861, be extended and shall apply to the Corporation of the City of Quebec, in as full and ample a manner as if that Act contained the word "Quebec" also wherever the word "Montreal" occurs therein; but the sum of money to be required and received from the Council of the City of Quebec, under that Act, shall not, in any one year, exceed the sum of sixteen hundred dollars.

Corporation of Quebec or Montreal may impose a special rate for purposes of this Act or 14, 15 Vict., cap. 129.

30. If at any time the ordinary funds of the Corporation of the City of Quebec or Montreal be insufficient to meet any contribution required to be made, under the provisions of this Act, or under the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-nine, it shall be lawful for the Council thereof to impose for that purpose a special tax or assessment, over and above the amount for which such Council is then authorized by law to impose rates or assessments,—and to appropriate for that purpose any part of the fees of the Recorder's Court, or to impose upon proceedings in that Court a special tax, to create a fund for the above mentioned purpose.

This Act not to affect 12 V. c. 112.

31. Nothing in this Act shall in any way invalidate the provisions of "*An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, (12 V. c. 112), but all the provisions of that Act shall remain in full force with respect to the Districts therein mentioned, and until the objects of that Act have been fully carried out.

Governor in Council may impose a tax on certain proceedings in any District to form part of Building and Jury Fund.

32. The Lieutenant Governor, may, by any order or orders in Council, to be from time to time made for such purpose, impose such tax or duty as he sees fit on any proceedings had in any of the Courts in any District of Lower Canada, and upon the closing of inventories, assemblies of relations and friends, insinuations or registrations in the offices of such Courts, the appointments of Tutors or Curators affixing or taking off seals of safe custody, probates of wills,

or other like matters, also upon any proceedings at or before the Courts of Commissioners for the summary trial of small causes, and at sittings of a Justice or Justices of the Peace, Judges of the Sessions of the peace, and Sheriffs, respectively, upon any proceedings before any Recorder or Recorder's Court, and generally upon any proceeding before any judge, Justice of the Peace, or judicial, or ministerial officer, or Court whatever. *As amended by 25 Vic., cap. 13, sec. 1 and 31 Vict., cap. 16, sec. 9.*

2. All the provisions of *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, (12 V. c. 112) shall apply to the imposing, levying and payment of such tax or duty, and it shall be collected by such member of the Court or such officer or person as the Lieutenant Governor in Council shall appoint, and shall be paid over by him to the Sheriff to form part of the Building and Jury Fund, and every such person directed to collect such fees shall give such security as shall be fixed by Order in Council ;

3. The Lieutenant Governor may, by order or orders in Council, from time to time, reserve such portion of the fees of the Clerk or Crier of the Circuit Court, held at any other place than the *chef-lieu* of a district, as he deems proper to be appropriated for the payment of any contingencies for the maintenance of those Courts.

33. The sum of money to be collected in any district under the fourth section of *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, (12 Vict., cap. 112), or under the fifth paragraph of the fifteenth section of this Act, shall be collected only once :

2. The power given by the next preceding section to impose a tax or duty, shall not be exercised, with respect to the places mentioned in the 12 Vict., cap. 112, with regard to such items, proceedings or documents upon which

Act 12 V. c. 112 to apply.

Provision for the maintenance of County Court Houses.

Tax under sect. 4 of 12 V. c. 112 or sect. 15 of this Act to be collected only under one Act.

Power under sect. 32 of this Act, not to be exercised in cases where tax is payable under 12 V. c. 112.

a tax or duty is then collected at those places as imposed under the authority of the fifth section of that Act, so long that tax or duty continues to be collected at those places for the purposes of that Act.

As to surplus
of such tax.

3. And any surplus of the above mentioned tax or duty collected at any of those places, remaining after payment of the principal and interest on the debentures issued under that Act for and in any respect of any such place, shall form part of " The Building and Jury Fund " of the District in which such place is situate.

31 VICTORIA.

CHAPTER 7.

An Act respecting the Interpretation of the Statutes of this Province.

(Assented to 24th February, 1868.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Recovery of
penalties.

7. When no other mode is provided for the recovery of any pecuniary penalty or forfeiture imposed by any act, it may be recovered in the same manner and before the same court as any ordinary debt of like amount, at the suit of the crown alone, or of any private party, suing as well for the crown as for himself ; but no commissioners'

Application of
penalties.

court has jurisdiction in such cases. When such penalty is not otherwise appropriated by law, one half of it belongs to the crown and the other half to the private plaintiff, if there is one ; if there is none, the whole belongs to the crown.

Penalties form
part of the go-
vernal funds.

8. Any duty, penalty or sum of money, or the proceeds of any forfeiture, given by any act to the Crown, if there is no express provision to the contrary, forms part of the

general funds of the province, and is to be accounted for and dealt with accordingly.

39 VICTORIA.

CHAPTER 8.

An Act to aid the grant for the purposes of the administration of Justice.

(Assented to 24th December, 1875.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sections 1 and 2 repealed by 43-44 Vict., cap. 9, sec. 19.

3. The Corporation of any city, town, village or municipality, within the limits of which has been committed any act punishable under the Statute of Canada 32-33 Vict., cap. 28, respecting vagrants, or any contravention of the by-laws of the Council of such city, town, village or municipality, shall be bound, if the offender has been sentenced to imprisonment in the common gaol of any district, to pay to the Sheriff of such district, a sum of twenty-five cents for each day such offender shall be so detained in gaol. *As replaced by 40 Vict., cap. 7, sec. 1.*

Corporations held to pay for certain prisoners.

4. It shall be the duty of the sheriff of every district to demand, at the end of each month, the sums due during such month by corporations, under the preceding section, and on refusal of payment, the sheriff may in his own name, sue for the recovery thereof, by action of debt, before any competent Court.

Duty of the sheriff.

5. This act shall come into force on the first day of February, eighteen hundred and seventy-six.

Act in force.

31 VICTORIA.

CHAPTER 23.

An Act respecting Inspectors of Prisons, Hospitals, and other Institutions.

[Assented to 24th February, 1868.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec enacts as follows :

Regulations to be made regarding :

8. The said inspectors shall, as soon as may be convenient, frame a set of rules and regulations for the government of the common gaols of this province, extending to—

Diet, clothing, &c.

1. The maintenance of the prisoners in regard to diet, clothing, bedding, and other necessities ;

Employment ;

2. Their employment profitably to the public revenue ;

Medical attendance ;

3. Medical attendance ;

Religious instruction ;

4. Religious instruction ;

Conduct of prisoners ;

5. The conduct of the prisoners and the restraint and punishment to which they may be subjected ; and

Treatment of prisoners.

6. Also to the treatment and custody of the prisoners generally, the whole internal economy and management of the gaol, and all such matters connected therewith as may be thought by them expedient ;

Regulations to be approved by Lieut.-Gov.

Which rules and regulations shall be submitted to the Lieutenant-Governor for his approval and confirmation.

Existing regulations to serve in the meantime.

Until such rules and regulations have been so framed and approved, the rules and regulations now in existence, under chapter one hundred and ten of the Consolidated Statutes of Canada, shall remain in force.

43-44 VICTORIA.

CHAPTER 24.

An Act to provide for employing, without the walls of Common Gaols, prisoners who are imprisoned therein.

[Assented to 24th July, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Lieutenant-Governor in Council may, from time to time, direct or authorize the employment upon any specific work or duty, beyond the limits of any common gaol, of any prisoner who, after a prior sentence of imprisonment for any breach of any law of Canada or of any province, is sentenced to be imprisoned, with hard labor, in such gaol, for breach of the laws of the province of Quebec, or for the breach of the by-laws of any municipal corporation in this province.

Employment of certain prisoners outside gaols.

5. Every sheriff shall keep or cause to be kept, by the gaoler of each gaol, books of account, shewing the amount of wages earned by the prisoners, in the common gaol, under his control, and each such sheriff shall render an account of the amounts collected, in the same manner as he is required to do, with respect to the other sums of public money in his hands, in accordance with the laws of this province.

Sheriff to keep list, shewing wages of prisoners.

6. These revenues shall be paid in to the credit of the Treasurer, in accordance with the treasury department act, (31 Victoria, chapter 9.)

Revenues to be paid to Prov. Treasurer.

43-44 VICTORIA.

CHAPTER 14.

An Act respecting Lunatic Asylums subsidized by the Government of the Province of Quebec.

[Assented to 24th July, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

By whom costs
of maintaining
insane are
paid.

32. In all cases where an insane person shall be confined in an asylum, upon an order of the Lieutenant-Governor or of the Provincial Secretary, under the provisions of this act, the cost of maintaining such insane person, in the said asylum, shall be paid, one-half by the Government and one-half by the municipality in which the insane person shall have last had his domicile as hereinabove declared.

List of insane
to be annually
furnished
sheriff by pro-
prietor.

33. On or before the fifteenth day of January in each year, the proprietor or superintendent of each lunatic asylum in the Province of Quebec, shall send to the sheriff of the district in which the asylum is situated, a list of the names of the insane persons confined in the said asylum, at government expense, their last domicile when they were admitted into the asylum, and the cost of their maintenance for the previous year.

Extract from
list to be fur-
nished to pro-
per municipa-
lities by
sheriff.

34. On receiving such list, the sheriff shall send forthwith to the secretary-treasurer of each municipality, indicated in such list, as being the last domicile of any of the insane persons therein mentioned, an extract duly certified by him, from the said list, containing the names of the insane persons towards whose maintenance the said municipality is bound to contribute, as well as the cost of maintenance of such insane persons during the previous year.

Notice shall, at the same time, be given by the sheriff to the secretary-treasurer of such municipality, to pay into his hands, on or before the 1st day of March then next, the amount due by such municipality for such share.

35. Such amount shall be recoverable by the Government, as well as the costs mentioned in the certificate, under section 28 of this act, by an ordinary suit against any municipality bound to support any insane person confined in an asylum at government expense.

36. Such suit shall be taken by the sheriff of the district, in his own name, against every such municipality.

Each such sheriff may also take out, in his own name, any suit against the curator to and the tutor of the insane person, or against any other person obliged by law to provide for and support him, for the recovery of any sum paid by the government, under section 32 of this act.

37. It shall be lawful for any municipality which shall have so paid any sum of money to the Government for the maintenance of any insane person, confined in an asylum at government expense to obtain the repayment by suit and distress levied, in the usual manner, on the property of the insane person, or of those who are obliged by law to support or provide for him.

Any law to the contrary notwithstanding, it shall be lawful for such municipality to obtain repayment by execution on the immovables of the insane person, or of those who are obliged by law, to support or provide for him, whatever may be the amount of the judgment it has obtained.

38. The amount, paid by any municipality under the provisions of this act, shall be considered as a claim which may be levied under the municipal code of this province, and it shall be levied and collected in the same manner as any claim of the same nature, from the rate-payers of the said municipality.

40. VICTORIA.

CHAPTER 10.

An Act to establish a superannuation and aid fund, in favor of certain public employees and their families.

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Monthly deduction from salary.

7. A deduction shall be annually made from and out of the salary of every employee to whom this act applies, of five per cent for the first three years he shall contribute, and of three per cent for the subsequent years of his service.

Such sum deducted shall be paid monthly into the Consolidated Revenue Fund of the Province.— *As amended by 44-45 Vict., cap. 14, sec. 4.*

Payment of pension to employee.

8. The pension of every superannuated employee shall be paid to him during his life, by the treasurer of the Province, by monthly payments but not in advance. In the event of the death of such employee, his pension shall run to the first day of the following month, and his widow, or in default of his widow his heirs shall receive the monthly payment then due.

Fifteen years contribution necessary.

9. No employee shall be entitled to the full amount of his pension, until he shall have contributed for fifteen years to the pension fund ; and if the pension becomes payable before the expiration of such delay, a sum equal to the deduction which would have been made from the salary of the employee, if he had remained in the service, shall be retained each month from the amount of his pension, until such fifteen years of contribution have elapsed.

CONSOLIDATED STATUTES FOR LOWER CANADA.

CHAPTER. 15.

An Act respecting Provincial Aid for Superior Education
—and Normal and Common Schools.

HER MAJESTY, by and with the advice and consent
of the Legislative Council and Assembly of Canada,
enacts as follows:

SUPERIOR EDUCATION INVESTMENT AND INCOME FUNDS.

1. The Estates and Property of the late Order of Jesuits, ^{Superior Education Investment Fund constituted,} whether in possession or reversion, including all sums funded or invested, or to be funded or invested, as forming part thereof, and the principal of all moneys which have arisen or shall arise from the sale or commutation of any part of the said Estates or Property, are hereby appropriated to the purposes of this Act, and shall form a Fund to be called the "Lower Canada Superior Education Investment Fund," and shall be under the control and management of the Lieutenant-Governor in Council, for the purposes of this Act; and the said Fund shall be understood to be intended by the words "the said Investment Fund," whenever they occur in this Act.

2. The revenues and interest arising from the said Investment Fund, that is to say:

1. The revenues and interest to arise from the real property forming part of the Jesuits' Estates, or from moneys funded or invested as belonging to the said Estates, or from ^{Proceeds of said Investment Fund and certain other revenues to constitute the Superior Education Income Fund.} any property, real or personal, reversible to the said Estates as part of them,—the revenue and interest of investments made or to be made, and of debentures held or to be held, on account of the said Estates;

2. The income and interest to arise from investments to be made out of the moneys received or to be received from commutations effected or to be effected in the Seigniories

forming part of the said Estates, or out of the moneys to be received from the collection of any arrears of revenues, interest, and of debts now due, being part of the said Estates, and out of all moneys which, in lieu of any Seigniorial right to be abolished or commuted, will, as part of the Estates, become due and payable under the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855, or under any other Provincial Act enacted or to be enacted in relation to the abolition or commutation of feudal rights and duties in Lower Canada;

3. The revenue and interest to arise from investments to be made out of the moneys to be received from the sale of any portion of the said Estates, or from the sale or redemption of any *rente foncière* or *rente constituée*, being part of the said Estates,—shall, with the unexpended and unclaimed yearly balances of the Common School Fund for Lower Canada, and the sum hereinafter directed to be paid yearly out of the Consolidated Revenue Fund of this Province, and with any sum to be taken for the purpose in any year out of the Common School Fund of Lower Canada, form a Fund, to be called the “Lower Canada Superior Education Income Fund;” and the said Fund shall be understood to be intended by the words “the said Income Fund,” whenever they occur in this Act.

Governor may order the sale of portions of the said estate and re-invest the proceeds.

3. Whenever it appears to the Lieutenant Governor in Council that the said Income Fund can be increased by the sale and by the investment of the proceeds of the sale of any portion of the said Estates, or of any *rente foncière* or *rente constituée* then forming part of them, the Lieutenant Governor in Council may order such sale to be made, and may direct that the moneys realized by it be invested in provincial debentures or other securities, the annual interest or income whereof shall form part of the said Income Fund.

4. There shall be annually placed to the credit of the Certain amount added to the said Income Fund out of the Consolidated Revenue Fund. said Income Fund, the sum of twenty thousand dollars, out of the Consolidated Revenue Fund of this Province, which sum shall form part of the said Income Fund, and be appropriated accordingly;—and if in any year the said Income Fund falls short of the sum of eighty-eight thousand dollars, then such sum as may be necessary to make it equal to eighty-eight thousand dollars, shall be taken from the Common School Fund of Lower Canada, and added to the said Income Fund for that year, as part thereof.

5. If in any one year the whole of the Income Fund is How any balance of the said Fund shall be disposed of. not apportioned, the balance not distributed shall remain for further distribution as hereinafter provided, or shall, if the Lieutenant Governor so directs, be invested, and the income or the interest of the investment shall be added to the said Income Fund, and the principal shall form part of the said Investment Fund.

12. And inasmuch as it is necessary to provide for the Certain amount appropriated for the erection of the necessary buildings. purchase of such site or sites, and for erecting or procuring and furnishing of such buildings, as may be requisite for the said Normal School or Normal Schools,—the Lieutenant Governor in Council may order that out of the said Income Fund the sum of eight thousand dollars be for such purposes yearly set apart and appropriated to form a fund to be called "The Lower Canada Normal School Building Fund," and any sum so yearly set apart and appropriated shall be invested or placed at interest as the Lieutenant Governor in Council may direct; and the income and interest shall, like the principal, form part of the said Fund:

2. The moneys and interest realized by the sale which Proceeds of sale of unsuitable buildings to be added to "Building Fund." the Lieutenant Governor in Council may direct to be made of any site and the buildings thereon already acquired for Normal School purposes in Lower Canada, and not deemed convenient for such purposes, shall form part of the last mentioned Fund, and shall be invested or

placed at interest in the like manner as any other sum forming part thereof. *See also 16 V., c. 74, s. 5, authorizing the investment of five thousand pounds from the Jesuits' Estates Fund for the Normal School at Montreal, the interest on the said sum to be re-paid to the said Fund, out of the unclaimed balance of L. C. Common School Fund, or out of any moneys to be appropriated for Normal Schools.*

How unex-
pended bal-
ance of the Build-
ing Fund shall
be disposed of

13. Any excess or amount of the Lower Canada Normal School Building Fund not actually required for the purposes for which the fund is constituted, shall, in the discretion of the Lieutenant Governor in Council and as he may direct, either revert to and form part of the said Lower Canada Superior Education Income Fund, or be invested as part of the said Lower Canada Superior Education Investment Fund, in which last case the income and interest arising from such investment shall form part of the said Income Fund.

Appropriation
for the salaries
of the Normal
School Teach-
ers.

14. A sum not exceeding six thousand dollars shall be allowed yearly out of the Common School Fund for Lower Canada, to defray the salaries of officers and other contingent expenses of such Normal School or Normal Schools; and a sum not exceeding four thousand dollars shall be allowed yearly out of the said Income Fund, as an aid to facilitate the attendance of teachers in training at the Normal School or Normal Schools

In case such
appropriation
be insufficient,

15. In case the two sums mentioned in the preceding section are found insufficient, the Lieutenant Governor in Council may order that out of the said Income Fund a certain sum be yearly set apart and appropriated for the support and maintenance of the said Normal School or Normal Schools, which sum so set apart and appropriated yearly, shall not exceed in any one year the sum of ten thousand dollars.

DISTRIBUTION AND APPLICATION OF COMMON SCHOOL FUNDS.

88. The sums constituting the Lower Canada Common School Fund may be paid to the Superintendent of Education in two semi-annual payments, under two accountable Warrants to the Receiver General (*now the Provincial Treasurer*) to be issued by the Lieutenant Governor; and the Superintendent shall deposit the said sums in such Bank as the Lieutenant Governor in Council may direct, and shall apportion the same according to law among the Municipalities, and shall pay to the School Commissioners and Trustees of Dissentient Schools the respective shares belonging to the Municipalities they represent, by checks drawn upon such Bank and made payable to their order, and shall account according to law for such moneys.

How Common School Funds shall be apportioned.

89. Out of the Legislative School grant, permanent and additional, for Common School purposes in Lower Canada, the following sums may be set apart and expended yearly by the Superintendent of Education, with the approval of the Lieutenant Governor in Council, for the following purposes, that is to say:

Certain appropriations out of School grant.

1. A sum not exceeding eight thousand dollars, for special aids to Common Schools in poor School Municipalities;

For poor Municipalities.

As amended by 32 Vic., cap 16, sec. 39.

2. A sum not exceeding one thousand eight hundred dollars, to encourage the publication and circulation of a Journal of Public Instruction; and

For Journal of Public Instruction.

3. A sum not exceeding two thousand dollars, towards forming a fund for the support of superannuated or worn out Common School Teachers in Lower Canada, under such regulations as may be adopted from time to time by the Superintendent of Education, or by the Council of Public Instruction of Lower Canada, and approved by the Lieutenant Governor in Council; But no such Teachers shall be entitled to share in the said Fund who does not contribute to such Fund at the rate of four dollars per annum

Teacher's Superannuation Fund.

at the least, for the period of his teaching School or receiving aid from such Fund, or who does not furnish satisfactory proof of his inability from age or loss of health in teaching, to pursue that profession any longer; and no such allowance to any Teacher shall exceed the rate of six dollars per annum for each year during which such Teacher has taught a Common School in Lower Canada.

43-44 VICTORIA.

CHAPTER 22.

An Act to establish a pension and benevolent fund in favor of officers of primary instruction.

[Assented to 24th July, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

12. In order to provide for the above-mentioned pensions :

Stoppages
from salaries
to meet pen-
sion fund.

1. A reduction or stoppage shall be made from the salary of each officer at the rate of two per cent, per annum ;

2. A stoppage of one per cent, shall be made annually from and out of the " Common School Fund," as well as from and out of that portion of the " Superior Education Fund," appropriated to the support of institutions managed or directed by officers of primary instruction, as defined by the present act ;

Grant of \$1000
by the pro-
vince.

3. An annual grant of one thousand dollars per annum shall be allowed by the Government of the Province ;

Stoppages, &c.
to be paid to
Prov. Treas.
to form pen-
sion fund.

The aggregate amount of these various stoppages and grants shall be deposited every year with the treasurer of the province, and by him converted into Provincial or Dominion bonds, and capitalized for the benefit of " The Pension and Superannuation Fund for officers of primary

instruction." And the said fund shall not form part every year of the Consolidated Revenue Fund, notwithstanding any provision to the contrary in the act respecting the Treasury; but it shall be held in trust by the treasurer of the province for the purposes of this act.

If, after the delay granted by section 26 of this act, for the payment of pensions, the interest on the said capitalized fund does not suffice to pay the pensions applied for, the stoppages from the salaries of the officers of primary instruction, out of the "Common School Fund" and the "Superior Education Fund" shall be correspondingly increased.

Proviso :
If amount
does not
suffice.

85 VICTORIA

CHAPTER 5.

An Act respecting Judicial and other Deposits.

[Assented to 2nd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Treasury Department shall be a general deposit office for the province, in so far as regards deposits to be made in virtue of this act.

Treas. dep.
to be general
deposit office.

2. Immediately upon any deposit being made with the Treasurer under this Act, he shall give the depositor a receipt, and, in the case of registered rights, a duplicate receipt, specifying the amount deposited and the nature and cause of the deposit, and such receipt may be in such form as the Treasurer may from time to time regulate.

Deposit re-
ceipt to be
given.

3. The deposit receipt shall be *prima facie* evidence of the deposit and of the facts it purports to certify.

Receipt to be
prima facie
evidence.

4. Every clerk of appeals, prothonotary of the superior court, clerk of the circuit court or of a district magistrates'

Certain officers
shall deposit
sums \$100 and

over, and produce receipt.

court, who, in his official capacity, shall have received, himself, or by his deputy, as a judicial or other deposit, any sum of one hundred dollars or over, shall immediately deposit such sum to the credit of the treasurer of the Province, in such bank or other monetary institution, as shall be indicated by the said treasurer, and shall file in the record of the case or of the proceedings, in which he has received the said sum, the deposit receipt of such bank or other monetary institution.

Sheriffs shall deposit sums of \$100 and over, and produce receipt.

Every sheriff, who, in his official capacity, shall have himself, or by his deputy, received, either as the price of a judicial sale or otherwise, a sum of one hundred dollars or over, shall immediately deposit such sum, to the credit of the treasurer of the Province, in such bank or other monetary institution, which shall be indicated by the said treasurer, and shall, without delay, file in the office of the prothonotary or clerk, the deposit receipt of the said bank or other monetary institution.

Deposit of sums less than \$100.

As to sums less than one hundred dollars, which shall be received as aforesaid, by the said officers, they shall be deposited in the manner aforesaid, so soon as they shall amount to an aggregate sum of one hundred dollars or over.

Such officers are agents of the treasurer for the purposes of 35 V., c. 5.

Such officers shall, from the mere fact of holding such offices, be agents of the treasurer of the Province for the purposes of the said act, 35 Vict., chap. 5, and its amendments. Any payment made to them, under the said act and its amendments shall be deemed to be made to the treasurer of the Province, and all persons who are entitled to draw such sums or securities, deposited under the said act, shall have the warranty of the Government of the Province for the payment to them of such sums or securities. *Sections 4 and 5 as replaced by 43-44 Vic., cap. 8, sec. 1.*

Coroners to deposit all sums received.

Every coroner who either personally or by his deputy shall have received any sum of money, exceeding one hundred dollars under any title whatsoever, shall immedi-

ately deposit the same, in the manner prescribed in the act above cited (35 Vic., cap. 5). *Added by 36 Vic., cap. 14 sec. 2.*

Every bailiff of the superior court, who shall have received any sum of money arising from a seizure or judicial sale and exceeding in amount one hundred dollars, shall, unless he has lawfully handed over, distributed or paid such sum, before making his return, deposit the same in the prothonotary's office of the district within the limits of which the writ has issued together with his return. *Added by 36 Vic., cap. 14, sec. 3.*

6. The third paragraph of article 883, of the code of civil procedure is repealed. *This paragraph provided for the appointment of a judicial sequestrator in certain cases.*

7. At the expiration of fifteen days from the date at which any report of collocation and distribution of moneys shall have been homologated, in whole or in part, (as the case may be, whether by a judgment of any court, or by the order of a prothonotary, or clerk of a court in Lower Canada, the prothonotary, or clerk of the court, within the office of which the said judgment, or order, of homologation is filed and of record, if no notice of appeal from such judgment, or order, of homologation, shall have been served upon him, or if no opposition has been made to such judgment, or order, of homologation as hereinafter set forth, within the said delay of fifteen days from the date of the said judgment, or order, of homologation, shall transmit, without delay, to the treasurer of the province of Quebec, a copy of the said judgment, or order, of homologation, and a certificate under his signature, and the seal of the court establishing and setting forth, that no notice of appeal from the said judgment, or order, of homologation, nor any opposition to the same has been served upon him, within the said delay of fifteen days, and on receipt of such judgment and certificate, the treasurer shall

Bailiffs to deposit sums exceeding \$100.

§3 of art. 883 O. C. P. repealed.

15 days after judgment of homologation if there be no appeal or opposition, prothonotary or clerk, shall notify provincial treasurer, who may thereupon pay the moneys deposited.

immediately pay the moneys so distributed, by delivering to the sheriff, or to the officer to whom the same belongs, his orders, or cheques in favor of each of the parties mentioned in the judgment, or order for the amount awarded to each. And if an appeal has been taken from the said judgment, or order, of homologation, or an opposition made thereto in relation to one or more of the said collocations, which shall be established by the certificate of the prothonotary or clerk, the treasurer shall not pay the amount of the collocations so contested until after a definite sentence has been pronounced upon such contestation, or until after such contestation shall have been settled as hereinafter provided.

If there be an appeal or an opposition, treasurer shall not pay until after final judgment or settlement.

Appeals from or oppositions to judgments of homologation must be served upon prothonotary or clerk, in default of which moneys may be paid—without prejudice to the right to prosecute the appeal or opposition—but when such service shall have been made money shall not be paid until after a final decision by court of ultimate jurisdiction.

Any person, or corporation, desirous of instituting an appeal from the judgment, or order, of homologation before mentioned, or of making any opposition thereto, if by law any such opposition can be made, must, within fifteen days from the date at which such judgment, or order, of homologation shall have been rendered, produce at the office of the court where such order or judgment is filed and of record, by causing the same to be served upon the prothonotary, or clerk of such court, a copy of the writ of appeal which he has caused to be issued, or of his opposition, (if an opposition has been made,) and it shall be the duty of the prothonotary or clerk to make an entry of such document, in the registers of the court, and the same shall from part of the record; and in the event of the said opposition or writ of appeal not having been served within the aforesaid fifteen days, upon the prothonotary or clerk of the court, the sums of money mentioned in the judgment or order of homologation shall be paid; but the foregoing provisions shall not deprive any one who shall have omitted to prosecute his appeal or opposition within the fifteen days as hereinabove set forth, from the right of so doing, within the delays established by law, or of filing his opposition within the delays established by law and

in the event of his succeeding of recovering, by action at law, the moneys paid under the former judgment. Whenever any appeal shall have been instituted to the court of Queen's bench, or any opposition put in within the fifteen days, as aforesaid, and that the prothonotary or clerk, shall have been notified of such appeal or opposition as hereinabove set forth, the moneys affected by such appeal or opposition shall not be paid until the contestation raised thereby shall have been definitely settled, either by the court of Queen's bench, by the superior court, or by Her Majesty's privy council, in the event of the matter being susceptible of being appealed to the latter jurisdiction, and the prothonotary or clerk of the court, shall not grant his certificate for the payment of the moneys, until a copy of the judgment rendered by the court of Queen's bench, by the superior court, or by Her Majesty's privy council, if the cause has been carried into such latter jurisdiction, or a discontinuation of such appeal or opposition, or a certificate of the clerk of appeals, in the said province, establishing that such appeal has been given up and abandoned, or a certificate of the prothonotary or clerk of the court establishing that such opposition has been discontinued, shall have been filed in the office of the superior court.

In all cases whenever a consent in writing, signed by all the parties interested in the cause, and attested by the prothonotary or clerk, shall have been fyled with him, the treasurer shall immediately pay or distribute the moneys so deposited, by delivering to the sheriff or other officer entitled thereto, his cheques or orders in favor of any person mentioned in such consent, for the amount therein set forth. *As replaced by 36 Vict., cap. 14, sec. 5.*

8. Whenever any person desires to pay any sum of money, and is prevented from doing so by reason of the refusal of his creditor, or of the absence of his creditor

Moneys may be distributed by consent.

When creditor refuses or is absent, debtor may deposit the sum.

from the place where the debt is payable, such person may deposit such sum with the treasurer, together with a proper designation of the nature of the debt, of the title under which it is due, and of the person or persons to whom he desires the money should be paid.

Effect of such deposit.

And the effect of this deposit shall be to liberate, for the future, whoever shall have made a tender, from the payment of interest on such sums of money, provided his creditor has, without having any right so to do, refused to accept such tender; and the moneys deposited for a creditor who is absent from the place where the debt is payable, shall also cease to bear interest against the debtor, if the amount deposited is sufficient.

Treasurer to pay creditor on demand.

Proviso.

9. The treasurer shall thereupon, on demand, pay to the creditor so designated the amount so deposited; saving the right of the depositor, if the deposit receipt has not been registered, and if the money has not been paid into court as a tender, to withdraw his deposit before the same shall have been demanded by his creditor.

Moneys in dispute may be deposited.

10. Whenever any person desires to pay any sum of money which is demanded of him by contending claimants, he may deposit the money he so desires to pay with the treasurer of the province.

How treasurer shall pay over.

Proviso.

11. In the case mentioned in the preceding section, the treasurer shall pay over the amount deposited to the claimant, who shall produce and file an authentic copy of a competent judgment entitling him to the money, saving the right of the depositor, if the deposit receipt has not been registered, and if the money has not been paid into court as a tender, to withdraw his deposit before the same shall have been demanded by the claimant.

In case of a registered claim receipt shall be registered and entered.

12. In any case in which a voluntary deposit is made under this act of any amount due in virtue of any registered claim, the depositor shall cause a duplicate of the deposit

receipt to be registered, and left with the registrar, and an entry thereof shall be made in the margin of the register opposite the title under which the claim exists; and such registration and entry shall have the same effect as regards the cancelling of the registration of the claim, as the registration and entry of a discharge from the creditor for a like amount would have had.

13. The treasurer of the province may, at any time, and from time to time, appoint any person or persons to be his treasury deposit agents for the purposes of this act, and of any future act amending the same. Such person or persons may be so appointed for any one or more judicial districts, and thereupon all the provisions of this act relating to the said treasurer shall, as regards such district or districts, apply to such treasury deposit agents as well as to the treasurer.

Effect of such registration.

Treasury deposit agents may be appointed.

This act shall apply to them as to the treasurer.

14. The duties and powers of the said treasury deposit agents, in so far as the same are not provided for by this act, shall be such as may, from time to time, be regulated and defined by the treasurer of the province; and the said agents, as regards the duties which are thus prescribed to them by this act or by the treasurer, shall be reputed officers of the court in connection with which these duties are to be executed.

Duties and powers of agent may be regulated by treasurer.

They shall be deemed officers of the court.

17. Every sheriff, prothonotary, clerk of the circuit court, clerk of a district court, or other judicial officer shall, between the first and eleventh days of the months of January, April, July and October in every year, render to the treasurer of the province, a detailed account sworn to as aforesaid, of all moneys received by him in his official capacity, whether the same shall have been deposited or not with the treasurer, in virtue of the provisions of this act.

Judicial officers to account quarterly.

18. The treasurer of the province may, at any time, and

Treasurer may regulate man-

rer, &c., of deposits, pay-
ments and ac-
counts.

from time to time, regulate the manner, time and form, in which deposits and payments shall be made, and accounts shall be rendered and kept in virtue of the provisions of this act.

Sections 19, 20 and 21, repealed by 43-44 Vic., cap. 8, sec. 8.

Salaries of certain sheriffs to be fixed by lieut.-gov.

22. The lieutenant-governor in council may fix the salary of the sheriff of the district of Quebec, at a sum not exceeding three thousand six hundred dollars, and the salary of the sheriff of the district of Montreal, at a sum not exceeding three thousand six hundred dollars per annum. *Amends C. S. L. C. cap. 98, sec. 5.*

Deposits may be seized by garnishment.

23. Moneys deposited under this act, may be attached in the hands of the treasurer, in the usual manner, by garnishment, either before or after judgment. *As replaced by 36 Vict., cap. 14, sec. 6.*

Sureties may deposit the amount of their suretyship.

24. Whenever any judicial surety or any surety of a public officer, or any tutor or judicial administrator shall be desirous of paying over the amount of his suretyship or the full amount of his legal liability, he may deposit such amount with the treasurer under this act, and upon the production of the deposit receipt, he shall thereupon be free from the costs of any proceeding taken against him with respect to such amount.

Effect of such deposit.

Responsibility of officers failing to comply with this act.

25. Every public officer, who shall fail to comply with the provisions of this act or of the acts amending the same, may be deprived of his office, and shall, moreover, incur a penalty not exceeding two hundred dollars, which shall belong to the province, and shall be recovered in the name of the Crown, by an action for debt before a court which is competent to take cognizance of an action of debt for such amount; and in default of payment of the fine, the officer, who shall be condemned to pay the same, may

be imprisoned in the common gaol for a period not exceeding three months. *As replaced by 43-44 Vict., cap. 8, sec. 4.*

It shall be the duty of the treasurer to see that the expenses, connected with the carrying into effect of the judicial and other deposits' acts and amendments, shall not exceed the interest or profit accruing to the treasury, from the moneys deposited in virtue of the said acts, and all the said expenses shall be deducted from such interest or profit, by the treasurer, and the balance, if any, and any balance of interest, now in the treasury, shall be transferred to the Consolidated Revenue Fund of the province and form part thereof. *Added by 43-44 Vict. cap. 8, sect. 5.*

Expenses
respecting
judicial
deposits.

It shall be lawful for the treasurer of the Province, upon deposits made in the treasury department, in sums under one hundred dollars, upon a certificate from the prothonotary or clerk of the court, stating that the treasurer pay such deposits in whole or in part, for him to do so, except in cases wherein judgment of distribution is rendered. *Added by 43-44 Vict., cap. 8, sect. 6.*

Sums may be
paid out of
deposits of
sums under
\$100.

This act (36 Vict., cap. 14) shall form part of the act respecting judicial and other deposits, hereinbefore firstly cited, and the provisions thereof as modified by the three preceeding sections, (*two entered at sections 7 and 23 the object of the other is attained*) shall apply to the clerk of appeal, to coroners and to bailiffs of the superior court, in the same manner as to the judicial officers mentioned in the provisions thereof. *Added by 36 Vict., cap. 14, sect. 7.*

Act to apply
to clerks of
appeal, coroners
and bailiffs.

CONSOLIDATED STATUTES FOR LOWER CANADA

CHAPTER 49.

An Act respecting the sale under execution of hypothecated immovables of unknown or uncertain owners.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

List of unadjudged balances to be published.

13. The Prothonotary (*now the Treasurer*) shall publish, in the month of January in each year, in the *Canada Gazette*, (*now Quebec Official Gazette*), a list of the unadjudged balances remaining in his hands by virtue of this Act, which list shall be in the form of Schedule D. *As changed by 35 Vic., cap. 5.*

SCHEDULE D.

Form of List to be Published.

List of sums remaining unadjudged in the hands of the Prothonotary of the Superior Court for the District of _____ under the forty-ninth Chapter of the Consolidated Statutes for Lower Canada.

_____ dollars, balance of the proceeds of the sale of an immoveable situate at _____, in the District of _____, (*repeat the description as given in the notice*) sold upon the petition of _____ for a hypothec stipulated by C. B. ;—last known occupier A. F., known proprietors, C. L., F. H., &c., &c.

H. P.,
Treasurer.

81 VICTORIA.

CHAPTER 18.

An Act respecting the office of Queen's Printer for this Province, and the publishing of the "Quebec Official Gazette."

[Assented to 24th February, 1868.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

5. The lieutenant-governor in council shall prescribe the conditions of the publication of the "Quebec Official Gazette," and shall designate the public bodies, officers and persons to whom the said gazette shall be sent, and shall make a tariff of charges to be paid for the publication of notices, advertisements and documents to be published in the said gazette, and the price of subscription to the said gazette.

Conditions of publication and distribution of said gazette.

6. The profits or salary of the Queen's Printer, the mode in which he shall receive the same, his accountability for moneys received on account of the publications in the "Quebec Official Gazette," and the conditions generally, under which the printing and other work required shall be performed, shall be such as the lieutenant-governor may, from time to time, regulate by order in council.

Profits and accountability of Queen's Printer.

CONSOLIDATED STATUTES OF CANADA.

CHAPTER 83.

An Act respecting the Consolidated Municipal Loan Fund.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

65. In case the Receiver General certifies to the Governor-What the Receiver General

to certify to
the Governor,
&c.

nor that any Municipality is in default for any sum of money which ought to be paid by the Treasurer thereof, to the Receiver General, the Governor may if he sees fit, at any time after the expiration of three months from such default, issue his warrant to the Sheriff, directing him to levy a rate of not less than twelve and a half cents in the dollar on the yearly value of the assessable property in the Municipality, or a proportionate rate on the actual value of such property, reckoning the yearly value at six per cent. on its actual value.

When he may
direct a less
rate to be le-
vied.

66. In cases in which the proceeds of such rate would, in the opinion of the Governor, exceed the amount for which such Municipality is in default and the costs of the levy, the Governor may direct such less rate to be levied as will, in his opinion, produce an amount fully sufficient to pay the sum for which the Municipality is in default and the costs of the levy, and the surplus (if any) shall be returned to the Municipality according to law.

Sheriff's
duties.

67. The Sheriff shall obey the said Warrant and levy the sums therein mentioned in like manner and within the same period as he would levy the same if it had been recovered against the Municipality under a judgment of the proper Court of law, and a Writ of Execution had issued thereupon directed to him and commanding him to levy the same by rate, and shall pay over the net proceeds to the Receiver General, and the costs allowed to the said Sheriff for executing the said Warrant shall be the same as those to which he would be entitled for executing a Writ of Execution for a like sum.

When Go-
vernor may
issue a war-
rant against
the effects of a
Municipality.

68. In case the Receiver General certifies to the Governor that any Municipality is in default, the Governor may also issue his warrant to the Sheriff, directing him to seize all goods and chattels, lands and tenements, and other property or things liable to be seized in execution, belonging

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to such Municipality, and to sell the same, or so much thereof as may be necessary to produce the amount for which such Municipality is in default and costs, as he would under execution against such Municipality, and to pay the proceeds unto the Receiver General in liquidation of such amount ; but no School House, Alms House, Fire Engine or Fire hoses or Engine House, Court House or Gaol, or property required for the administration of Justice, shall be seized or sold under such warrant.

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69. In the case of a loan effected on the credit of the said Consolidated Municipal Loan Fund by any Union of two or more Counties then united for municipal purposes, but which separate before such loan has been paid, and such Counties upon such separation agree in the manner provided by law, as to the part which each or any of them shall bear in the liability arising out of such loan, then such agreement shall be the rule by which the Receiver General shall be guided in ascertaining the liability of each of such Counties, and the amount to be paid by or levied upon each of them in respect of such loan, in case of any default, to pay any sum which ought to be paid to the Receiver General in respect of the same ; and any County having paid its share of such liability so ascertained shall not be liable in respect of the share thereof of the other County or Counties united with it when the loan was effected.

The separation
of united
Counties pro-
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43-44 VICTORIA.

CHAPTER 13.

An Act respecting the "Lower Canada Consolidated Municipal Loan Fund."

[Assented to 24th July, 1880.]

WHEREAS, by the act passed by the Legislature of the late Province of Canada, in the 16th year of Her Majesty's Reign chapter 22, intituled : " An Act to establish a consolidated municipal loan fund for Upper Canada, a consolidated municipal loan fund was established for Upper Canada ; and whereas, by the said act, it was enacted that certain corporations might borrow money upon the credit of the said fund for certain purposes.

Whereas, by the act passed by the said Legislature of the late Province of Canada, in the 18th year of the Reign of Her Majesty, chapter 13, intituled : " An Act to extend and amend the act to establish a consolidated municipal loan fund for Upper Canada, by applying the same to Lower Canada, and for other purposes," it was enacted that the said act, 16 Victoria, chapter 22, and each and every the provisions thereof, should extend and apply to, and should be deemed and considered to be in force in Lower Canada, with the exception of certain modifications contained in the said act, 18 Victoria, chapter 13.

Whereas the said acts have been consolidated and are contained in chapter 83 of the Consolidated Statutes of Canada, intituled : " An Act respecting the Consolidated Municipal Loan Fund ; "

Whereas, certain corporations of counties, cities, incorporated towns, townships, villages and others, have, in conformity with the provisions of the said acts, and the acts amending the same, borrowed certain sums of money, upon the credit of the said fund ;

Whereas, by the British North America Act, 1867, it was enacted : " that the division and adjustment of the debts, credits, liabilities, properties and assets of Upper Canada and Lower Canada should be referred to the arbitrament of three arbitrators, one chosen by the government of Ontario, one by the government of Quebec and one by the government of Canada ; "

Whereas, under the provisions of the said British North America Act, 1867, the Honorable John Hamilton Gray of the city of St John, was chosen as arbitrator, under and in conformity with the provisions of the said act, by the government of Canada, the Honorable David Lewis Macpherson, of the city of Toronto, was appointed arbitrator by the government of Ontario, and the Honorable Charles Dewey Day, of Glenbrooke, in the said province of Quebec, was appointed arbitrator by the government of Quebec, to make the aforesaid division ;

Whereas the said arbitrators undertook to make the said division ; and whereas the said John Hamilton Gray and David Lewis Macpherson, forming the majority of the said arbitrators, decided by their report or award, dated at Toronto the 8rd of September, 1870, that the debt arising from the Lower Canada Municipal Loan Fund, due to the late province of Canada, to the amount in capital of \$2,939,429.90 and the interest accrued and to accrue upon such fund, should be and it was, by the said award, declared to be the property of the province of Quebec and to belong to the said province ;

Whereas it is necessary to provide for the collection of the amount of the said debt, arising from the said Lower Canada Consolidated Municipal Loan Fund, without prejudice to any recourse that the province of Quebec may have against the Government of the Dominion of Canada, or against the Government of the province of Ontario, respecting the division of the assets of the late province of Canada, the said arbitration and the said award of the

above mentioned arbitrators ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Appointment
of a Commis-
sioner.

1. It shall be lawful for the Lieutenant Governor in council under the great seal of the province, to appoint a commissioner to examine into the several amounts due to the said Lower Canada Consolidated Municipal Loan Fund and to facilitate the collection thereof.

His salary.

2. The appointment of such commissioner shall be during good pleasure, and his salary may be fixed by order in council, but shall not exceed three thousand dollars per annum, over and above travelling expenses.

Duties of the
Commissioner.

3. It shall be the duty of the said commissioner, appointed as aforesaid, to inquire into the position of each municipality indebted to the said Consolidated Municipal Loan Fund, and into every thing respecting the debt due by each and every of such municipalities, and the said commissioner is empowered to summon witnesses and all parties interested, and to compel them to give evidence before him, under oath or otherwise, and to procure such documents, or other things deemed necessary for the inquiry to be held by him, which inquiry shall be held in the municipality indebted, and he shall make a report of his proceedings to the Lieutenant Governor in council, from time to time, as he may be required.

His powers.

4. The said commissioner shall have the same power to compel witnesses to attend before him and to give evidence, as the courts of justice in this province in civil cases.

Duties of
municipal
councils in-
debted.

5. Within the three months, next after the signification of the report of the commissioner as aforesaid, to the municipality, it shall be the duty of the municipal council of each municipality indebted to the said fund, to pass a

resolution, authorizing the mayor or warden and the secretary-treasurer of the said council, to issue, make and execute, in the name of the corporation, bonds or debentures for the amount due by the municipality to the said fund as established by the said commissioner; which bonds or debentures shall mention:

That they are issued under this act;

That the amount of the bond or debenture shall be payable in one or in several payments, in currency or in sterling, or in the currency of the country in which they are payable, at such place, within or without this province, and at such time to be fixed by the municipality, not exceeding forty years from the issuing of the debentures, provided that the annuity or sinking fund hereinafter mentioned, be sufficient to pay the capital and interest within the time fixed;

Debentures
and what they
must contain.

The interest which shall be payable upon the sum mentioned in the said bonds or debentures, shall not exceed the rate of six per cent per annum;

The said debentures may be made with a sinking fund, the investment of which from year to year in interest shall redeem the principal thereof at maturity, or they may be made upon the annuity system, whereby a portion of the principal shall be paid off, year by year, until the full payment of principal and interest is made; and the said bonds or debentures shall be in the form prescribed by the Lieutenant Governor in Council, and they shall contain such other conditions which the Lieutenant Governor shall, by order in Council, prescribe to be inserted therein;

There shall also be entered upon the said bonds, that no interest shall be paid upon the sums due after maturity, if such bonds shall not be presented for payment at the place indicated.

6. Such debentures shall be signed by the mayor or warden and by the secretary-treasurer of the council, in

By whom
signed.

virtue of a resolution of the council, authorizing the issue of such debentures, and it shall not be necessary to pass a by-law to authorize the issue and signature of the said debentures.

To whom
given.

7. Such debentures shall be handed to the treasurer of the province of Quebec, in settlement of the claim of the province, against the municipality, for the said fund and, when the amount of the said bonds or debentures shall be completely paid, the municipality indebted shall have a right to receive a discharge from the treasurer of the province for the sum due upon such loan.

Power of mun-
icipalities in-
debted to
borrow

8. Every municipality indebted to the said fund may, with the approval of the Lieutenant Governor in Council, pass by-laws to effect a loan or levy money to pay the amount due to the said Consolidated Municipal Loan Fund, and the money thus borrowed shall be payable at such time and in such manner and with such interest, as the by-law shall prescribe, and it shall not be necessary to submit such by-law to the approval of the electors.

Duties of sec-
retary-treasu-
rers.

9. The secretary-treasurer, or the secretary, the treasurer and collector or other officers of any municipality so indebted shall, with the view of providing for the payment of so much of the claim of the said municipal loan fund as may become due, in capital and interest, every year, upon each of such new debentures, fulfil the duties assigned to them by the acts respecting the consolidated municipal loan fund, except that instead of the amount authorized by section 94 of the said chapter 83 of the Consolidated Statutes of Canada, a sufficient sum shall be levied to pay the amount so becoming due.

Basis of settle-
ment of mun-
icipal loan.

10. The following shall be the basis of settlement between the municipalities indebted to the municipal loan fund and the treasurer of the province acting on behalf thereof, that is to say : The said treasurer shall calculate

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the interest, at the rate of five per cent per annum, for twelve years, upon the original amount, borrowed by each municipality, which said interest shall be added to the capital sum borrowed. From the amount thus established shall be deducted the payments heretofore made on account of interest or sinking fund, if any, and if such amount, or the balance thus ascertained, is paid by any municipality indebted to the said municipal loan fund, within three months from the signification of the report of the Commissioner upon the Council of such municipality, either in cash or in debentures of the municipality, issued under this act, the said treasurer shall grant an acquittance or discharge for the balance, left standing at the debit of such municipality, in the books of the Treasury Department; Provided, however, that in cases where no interest is due by any municipality, the balance standing at the credit of such municipality in the Treasury Department books, upon sinking fund account, shall be deducted from the capital sum borrowed, and the balance, after such deduction, may be paid in the manner and within the time mentioned in this section.

11. No municipality, indebted to the said Consolidated Municipal Loan Fund, shall have a right to avail itself of the provisions of this act, until such council and the officers of such municipality shall have regularly executed and handed to the treasurer of the province the new debentures above-mentioned; but they shall, in case of refusal or neglect to hand over the said debentures, as aforesaid, be obliged to pay, without delay, the total amount by it due to the consolidated municipal loan fund; the amount due may, however, be recovered under this act and in conformity with its provisions, as it may please the Lieutenant Governor in Council to order.

12. If a loan has been effected upon the credit of the Consolidated Municipal Loan Fund, by a union of two or

Conditions
necessary to
avail of this
act.

If debentures
are not paid
over, amount
may be
recovered.

Case of loan by
several united
counties, &c.,

under certain
circumstances

more counties, then united for municipal purposes, but which have been separated, before such loan shall have been paid, or by a municipality which has been separated since the loan, but before the repayment of such loan, and the said counties and municipalities, at the time of such separation, have agreed between themselves, in the manner prescribed by law, with respect to the share of the responsibility of each or any of them respecting the said loan, then such agreement shall be the basis upon which the said commissioner shall act, in ascertaining the liability of each of the said counties or municipalities, and the amount which each shall pay, or which shall be levied upon each, respecting such loan, in case of non-payment of any sum which should be paid to the treasurer of the province, upon the said loan ; and every county or municipality, or part of a municipality, which shall have paid its share of the liability so established, shall cease to be liable for the share due by any other county or municipality, or part of a municipality united with it, at the time such loan was effected.

Appoint-
ment in case no
agreement
exists between
the counties
&c.

13. If no agreement has been made between the municipalities as aforesaid the share of liability of each portion of such municipalities shall be divided in proportion to their valuation.

Defect of form,
&c., in debentures,
&c., not
to invalidate
them.

14. All debentures, executed in virtue of this act, and handed to the treasurer of this province, shall be considered valid, legal and binding upon the corporation, notwithstanding any defect in form or otherwise, which may be found in the said debentures or in the resolution authorizing their issue, and although such debentures may not be executed exactly in the form required by law, or notwithstanding any irregularity in the proceedings with reference thereto.

Claims now
due are
exigible.

15. The claims now in force and due to the Consolidated Municipal Loan Fund by the said municipalities so indebted

shall not be considered as paid, discharged, extinct or otherwise affected by this act, or by this issue of the said new debentures, but they shall remain in force and be exigible, until new debentures be issued under this act and thereafter, as collateral security, for the payment of the new debentures, issued under this act, and for the sums payable in virtue of such debentures; and the said claims, up to the amount of the said debentures, and the sums so guaranteed, shall continue to be and shall be a first charge, as heretofore, upon the whole of the revenues of the municipality for whatever purpose, or under whatever by-laws they may have been levied.

16. The treasurer of the province of Quebec, may, with the approval of the Lieutenant Governor in Council, sell the whole or any portion of the debentures so issued by any such municipality, for such price, which may be deemed suitable, and the sums arising from such debentures shall form part of the consolidated revenue fund of this province.

Sale of debentures by the treasurer.

17. If the said debentures are not sold by the treasurer of the province as aforesaid, it shall be lawful for the said treasurer, at any time after the delay of one month after the maturity of any part of the sum due, in virtue of the said debentures, either for interest, sinking fund or capital, to cause the amount due upon the said debentures to be collected in accordance with the provisions of the said act, chapter 83 of the Consolidated Statutes of Canada; but instead of the amount authorized by section 94 of the said chapter 83 of the Consolidated Statutes of Canada, a sufficient sum to pay the amount thus becoming due in capital, interest and costs shall be levied.

Collection of amount due upon debentures not sold.

18. All sums to be levied under this act, or under chapter 83 of the Consolidated Statutes of Canada, shall be apportioned by taking as a basis, the valuation roll in force

Basis of apportionment of amounts to be levied:

in the municipality at the time when such sums are to be levied, notwithstanding any thing to the contrary in the said chapter 83 of the Consolidated Statutes of Canada.

Provisions of chap. 83 of C. S. C. not incompatible, applicable.

19. All the provisions of the said chapter 83 of the Consolidated Statutes of Canada, not inconsistent with any of the provisions of this act, shall remain in force, and shall apply to the debts now due by the municipalities, and to the new debentures which may be issued under this act.

Powers and duties of provincial treasurer.

20. For the purposes of this act, the powers and duties conferred upon the Receiver General, by the said chapter 83 of the Consolidated Statutes of Canada, shall be exercised and performed by the treasurer of the province, those conferred upon the Governor, shall be exercised and performed by the Lieutenant Governor of the province, and the Lieutenant Governor may, by order in council, make such provision as may be found necessary to carry this act into effect.

Interpretation : "Treasurer ;"

21. In this act, the word : " treasurer, " includes also the secretary or secretary-treasurer or the custodian of the registers of the municipality or the municipal corporation and the persons entrusted with the custody of the funds of a municipality ;

" Mayor ;"

The word : " mayor, " means equally the warden of any county ;

The official title of any officer includes any person by whom the duties of such officer may be performed

" Municipality ;"

The word : " municipality, " includes all local municipalities created and in existence before the passing of this act, and all municipal corporations, in the province of Quebec, of counties, cities, towns, incorporated villages, townships, or unions of townships, parishes or unions of parishes, unions of parishes and townships, whether there are or are not villages in such unions, and all municipal corporations whatever, indebted to the said fund ;

And the word : " sheriff, " includes all sheriffs in the judicial districts of the province of Quebec.

22. This act shall come into force on the day of its sanction.

45 VICTORIA.

CHAPTER 22.

An Act to impose certain direct taxes on certain commercial corporations.

[Assented to 27th May, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. In order to provide for the exigencies of the public service of this Province, every Bank carrying on the business of banking in this province, every Insurance Company accepting risks and transacting the business of insurance in this province, every Incorporated Company carrying on any labor, trade or business in this province, every incorporated Loan Company making loans in this province, every incorporated Navigation Company running a regular line of steamers, steamboats or other vessels in the waters of this province, every Telegraph Company working a telegraph line or part of a telegraph line in this province, every Telephone Company working a telephone line in this province, every City Passenger Railway or Tramway Company working a line of railway or tramway in this province, and every Railway Company working a railway or part of a railway in this province, shall, annually, pay the several taxes mentioned and specified in section three of this act, which taxes are hereby imposed upon each of such commercial corporations respectively.

Interpretation
of certain ex-
pressions.

2. The term "Bank" includes Savings Banks ; the term "Insurance Company" comprises Life, Fire, Inland, Marine, Guarantee and Accident Insurance Companies, but does not include Mutual Insurance Companies organized under the laws of this province ; the term " Incorporated Loan Company " includes Building Societies ; and the term " Incorporated Company " does not include companies publishing newspapers or periodicals.

Amount of
annual taxes
upon :

3. The annual taxes, imposed upon and payable by the commercial corporations mentioned and specified in section one of this act, shall be as follows :

I. BANKS.

Banks ;

(a). Five hundred dollars, when the paid up capital of the bank is five hundred thousand dollars or less than that sum ; one thousand dollars, when the paid up capital is from five hundred thousand dollars to one million dollars ; and an additional sum of two hundred dollars for each million or fraction of a million dollars of the paid up capital from one million dollars to three million dollars ; and a further additional sum of one hundred dollars for each million or fraction of a million dollars of the paid up capital over three million dollars.

(b). An additional tax of one hundred dollars for each office or place of business in the Cities of Montreal and Quebec, and of twenty dollars for each office or place of business in every other place.

II. INSURANCE COMPANIES.

Insurance
Companies ;

(a). An insurance company carrying on solely the business of life insurance, five hundred dollars.

(b). An insurance company carrying on any other kind of insurance, four hundred dollars, and when it combines two or more kinds of insurance, including life insurance, an additional sum of fifty dollars for each kind of insurance carried on beyond one.

(c). An additional tax of one hundred dollars for each office or place of business in the Cities of Montreal and Quebec, and of five dollars for each office or place of business established in every other place.

III. INCORPORATED COMPANIES.

(a). One hundred dollars, with an additional sum of fifty ^{Incorporated companies;} dollars for each two hundred and fifty thousand dollars or fraction of two hundred and fifty thousand dollars of the paid up capital of the company over two hundred and fifty thousand dollars.

(b). An additional tax of fifty dollars for each place of business, factory or workshop in the cities of Montreal and Quebec, and of twenty dollars for each place of business, factory or workshop in every other place.

IV. INCORPORATED LOAN COMPANIES.

(a). A company with a fixed capital, four hundred dol- ^{Incorporated loan com-} lars, with an additionnal sum of fifty dollars for each ^{panies;} million dollars or fraction of one million dollars of the paid up capital of the company, over one million dollars.

(b). A company without a fixed capital, one hundred dollars.

(c). An additional tax of one hundred dollars for each office or place of business in the cities of Montreal and Quebec, and of fifty dollars for each office or place of business in every other place.

V. INCORPORATED NAVIGATION COMPANIES.

(a). One hundred dollars when the paid up capital is ^{Incorporated navigation} one hundred thousand dollars or less; two hundred dollars ^{companies;} when the paid up capital is from one hundred thousand dollars to five hundred thousand dollars; with an additional sum of one hundred dollars for each five hundred thousand dollars or fraction of five hundred thousand dollars, of the paid up capital of the company, over five

hundred thousand dollars ; but not to exceed a maximum of one thousand dollars.

VI. TELEGRAPH COMPANIES.

Telegraph
companies ;

- (a). One thousand dollars.
- (b). An additional tax of five dollars for each office.

VII. TELEPHONE COMPANIES.

Telephone
companies ;

- (a). Five hundred dollars.
- (b). An additional tax of one hundred dollars for the principal station in the cities of Montreal and Quebec, and of fifty dollars for the principal station in every other place.

VIII. CITY PASSENGER RAILWAY OR TRAMWAY COMPANIES.

City Passenger
railway or
tramway com-
panies ;

- (a). Fifty dollars for each mile of railway or tramway worked.

IX. RAILWAY COMPANIES.

Railway com-
panies ;

- (a). The railway companies mentioned in the Schedule of this act, twenty dollars for each mile of railway worked
- (b). All other railway companies, five dollars for each mile of railway worked.

Taxes when
payable.

- 4. Such taxes shall be payable on the first juridical day of the month of July in each year.

To whom prin-
cipal taxes are
payable.

- 5. The principal tax, hereby imposed, shall be paid annually to the license inspector of the revenue district in which the commercial corporation has its chief or head office ; and, in the event of it not having a chief or principal office in this province, to the license inspector for the revenue district of Quebec.

To whom ad-
ditional taxes
are payable.

- The additional tax shall be paid annually to the license inspector of the revenue district in which the office, place of business, factory or workshop, for which it is payable, is situated.

6. If any such annual tax be not paid, the same may be recovered with legal interest thereon from the date upon which such tax became due, by an action brought, in his own name, on behalf of Her Majesty, by the license inspector of the revenue district in which such tax was payable.

Action for recovery of taxes, if unpaid.

7. All actions for the recovery of such taxes shall be brought in the judicial district in which they are payable, either before the Circuit Court or the Superior Court according to the competency of the court with reference to the amount claimed.

Before what Court brought.

8. Costs shall not be adjudged against the license inspector in any action instituted by him under this act ; but on the recommendation of the tribunal, the provincial treasurer may, in his discretion, pay to the commercial corporation, in favor of which judgment has been rendered, the costs to which he may deem it equitably entitled.

Costs not to be adjudged against inspector; proviso as to certain cases.

9. The clerks or secretary treasurers of every municipal corporation shall annually, on or before the first day of June, return to the provincial treasurer the names of all commercial corporations of the nature of those mentioned in this act, established or doing business within their respective municipalities, specifying the number of offices, places of business, factories or workshops of each ; and in default of so doing they shall severally be liable to a fine of twenty five dollars, and in default of payment of such fine to an imprisonment of twenty five days.

Return by clerks, &c., to provincial treasurer as to all commercial corporations in their municipalities.

10. The taxes imposed by this act shall form part of the consolidated revenue fund of the province.

Taxes form part of Consolidated Revenue Fund of Province.

11. Any proportion of such taxes may be applied, from time to time, by the provincial treasurer, under the direction of the lieutenant governor in council, to the payment of the expenses incurred for the carrying out of this act.

Application of part of these taxes.

Act in force. **12.** This Act shall come into force on the day of its sanction.

SCHEDULE.

Railway Companies towards the construction of whose railways public moneys have been expended or have been appropriated, either by this Province or by the heretofore Province of Canada.

Canadian Pacific Railway Company, for that portion, in the Province, of its railway extending from Montreal to St. Jérôme, Aylmer and Ottawa City, together with the St. Lin and St. Eustache Branches.

Grand Trunk Railway Company of Canada for that portion of its railway in the Province.

Montreal, Portland and Boston Railway Company.

North Shore Railway Company

The International Railway Company.

The Lake Champlain and St. Lawrence Junction Railway Company.

The Missisquoi Valley Railway Company.

The Montreal and Laurentian Colonization Railway Company.

The Pontiac Pacific Junction Railway Company, for that portion of its railway in the Province.

The Quebec Central Railway Company

The Quebec and Lake St. John Railway Company.

The South Eastern Railway Company.

The Waterloo and Magog Railway Company.

35 VICTORIA.

CHAPTER 3.

An Act respecting Marriage Licenses.

(Assented to 23rd December, 1871.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

4. Every person furnishing such licenses shall, for every license, receive, from the person requiring the same the sum of eight dollars, out of which sum he shall retain for himself, such portion, not exceeding two dollars, as the lieutenant governor shall allow, and he shall pay over the remainder of the said sum to the treasurer of the province, at such time or times as the said treasurer shall direct.

see \$8, of which at least \$6 payable to Treasurer.

5. The sums so paid over to the treasurer shall by him paid over annually, at such time and in such manner that the same shall be apportioned among the Protestant institutions of superior education, by the Minister of Public Instruction (*now the Superintendent of Education*) under authority of the Lieutenant Governor in Council, in addition to and in the same manner as any sums or aid granted by law for the purposes of Protestant Superior Education in this Province.

Moneys to be applied to Protestant Superior Education.

31 VICTORIA.

CHAPTER 11.

An Act respecting the Department of the Secretary and Registrar of the Province.

(Assented to 24th February, 1868.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Tariff may be made.

Account of money received under it.

5. The Lieutenant Governor in Council may from time to time make a tariff of sums which shall be paid for the issuing and Registry of Commissions and documents, and for the delivery of duly certified copies by the secretary and registrar of the province and the said secretary and registrar shall account to the treasurer for all monies received in virtue of such tariff in such manner as may be prescribed by order in Council.

ORDERS IN COUNCIL.

GOVERNMENT HOUSE.

Quebec, 26th September, 1863.

Present :

HIS HONOR THE LIEUTENANT GOVERNOR IN COUNCIL.

IT is ordered by his Honor the Lieutenant Governor in Council that the following tariff be adopted for various services rendered up to the present gratuitously by the two departments of the Secretary and Registrar of the Province, which tariff while being a slight tax upon individuals will be a source of revenue, which will contribute greatly to pay the contingent expenses of the department.

SECRETARY'S OFFICE.

- 1c. Certificate of legalization of documents, one dollar.
- 2c. Pass under provisions of section 98 of the Merchant Shipping Act, five dollars.
- 3c. Copies of all documents which are not above specified, for every hundred words, ten cents, and certificate, fifty cents. (It shall be at the discretion of the secretary to grant these gratis in certain cases.)

40. Upon Registrar's commission, five dollars.
50. Commission of school inspectors, five dollars.
60. Commission of Prothonotary, fifteen dollars.
70. Commission of Sheriff, fifteen dollars.
80. Commission of Clerk of the Circuit Court, five dollars.
90. Commission of Coroner, ten dollars.
100. Commission of Fire Marshal, ten dollars.

REGISTRAR'S OFFICE.

Registration of Patents and grants of lands by the crown, fifty cents.

Commission of civil service officers, five dollars.

Registration of security bonds, two dollars.

Registration of land surveyors' commissions, three dollars.

Registration of Letters-Patent for the sale and transfer of goods held in Mortmain, twenty dollars.

Registration of commission of notary, five dollars.

Copy of ordinary patents, two dollars and fifty cents.

Copy of commissions, two dollars and fifty cents.

It is further ordered that the present Tariff be published in the Official Gazette, as being made and adopted in virtue of the Statute passed in the first session of the Legislature of this Province, 31 Victoria, chap. 11, and that notice be given that no document will be registered or given, unless such fee shall be first paid.

FELIX FORTIER,
Clerk Executive Council.

GOVERNMENT HOUSE.

Quebec, 30th September, 1868.

Present :

HIS HONOR THE LIEUTENANT GOVERNOR IN COUNCIL.

WHEREAS it is expedient to make some additions to the tariff for the offices of Secretary and Registrar adopted on the 26th September 1868, in order to charge a fee upon the commissions of Recorder, Judge of the Sessions of the Peace, of the inspectors of prisons and upon all commissions in the future for any appointment to a position under the government of this province and for which there is now no fee.

It is therefore ordered by His Honor the Lieutenant Governor in Council that the following supplement be added to the said tariff.

- | | |
|--|---------|
| 10. Recorder's commission..... | \$15 00 |
| 20. Commission of Judge of the Sessions
of the Peace..... | 15 00 |
| 30. Commission of clerk of the Peace..... | 15 00 |
| 40. Commission of clerk of the Crown..... | 10 00 |
| 50. Commission of the President of the
board of Inspectors of Prisons... | \$15 00 |
| 60. Commission for appointment to a po-
sition under government and for
which no fee is already given..... | 5 00 |

Which may be refunded in whole or in part at the discretion of the Secretary.

FÉLIX FORTIER.

Clerk Ex.-Council.

GOVERNMENT HOUSE.

Quebec, 27th January, 1871.

Present :

HIS HONOR THE LIEUTENANT GOVERNOR IN COUNCIL.

WHEREAS it is expedient to make various additions to the tariff of fees of the department of Provincial Secretary, dated the twenty sixth and thirtieth days of September one thousand eight hundred and sixty eight respectively.

It is ordered by His Honor the Lieutenant Governor in council that the following fees be exacted in the cases hereinafter mentioned namely :

10. Upon letters patent incorporating joint stock companies : (31 Vict., ch. 25.)
 1. When the capital shall not exceed ten thousand dollars a fee of..... \$25 00
 2. From ten thousand dollars to fifty thousand dollars..... 30 00
 3. From fifty thousand dollars to one hundred thousand dollars..... 40 00
 4. From one hundred thousand dollars to two hundred thousand dollars..... \$50 00
 5. For two hundred thousand dollars and over..... 60 00
20. For transfer of the minutes of a notary under the provisions of 33 Vict., ch. 28..... 25 00
30. For certificates, under the provisions of chap. 65 of the Consolidated Statutes of Canada, to companies formed

for the purpose of supplying towns
and villages with gas and water... 10 00

40. Incorporation of cemetery companies
under 31 Vict., ch. 31..... 10 00

50. Provincial Secretary's certificates for the
formation of co-operative societies
(29 Vict., ch. 32.)..... 10 00

FELIX FORTIER,
Clerk Ex.-Council.

GOVERNMENT HOUSE.

Quebec 13th January, 1871.

Present :

HIS HONOR THE LIEUTENANT GOVERNOR IN COUNCIL.

WHEREAS official copies of orders in council are often asked for by persons having a private interest therein, and that as there is no tariff of fees therefor they are furnished gratis ; It is therefore ordered by His Honor the Lieutenant Governor in council that, as indemnity for the additional work resulting from searches to be made and time occupied in copying and comparing the said documents, the following tariff be adopted.

For all searches of orders in council or
other documents of record in the de-
partment, when the year is given.... \$ 0 20

For searches when the date is not given
for each year..... 0 20

For every copy of an order in council not
exceeding five hundred words..... 1 00

For every hundred words over five hun-
dred..... 0 10

For every copy and extract of all documents, registers and other papers, being part of the archives of the department, besides the search as above, when such copy does not exceed five hundred words..... 1 00

When such copy exceeds five hundred words, for every additional hundred words..... 0 10

For every certificate annexed to such copy or extract of documents, registers or other papers as above..... 0 50

FÉLIX FORTIER,
Clerk Ex.-Council.

PROVINCE OF QUEBEC.

SECRETARY'S OFFICE.

Quebec, 11th January, 1869.

PUBLIC NOTICE is hereby given that the Quebec Official Gazette will be published at Quebec, on Saturday, the sixteenth day of January instant, and on every subsequent Saturday morning.

All notices, documents and advertisements, mentioned in the Proclamation of the Lieutenant Governor, dated the twenty first day of December last, shall be published in the said Official Gazette.

The said notices, documents and advertisements should be accompanied with a communication indicating the number of insertions, as well as the date or dates of the publications.

The said notices, documents or advertisements, transmitted for insertion, shall be in both languages, unless the

costs of translation be paid, and in the latter case the Queen's Printer incurs no responsibility.

Communications should be addressed to the "Queen's Printer, for the Province of Quebec, at Quebec," and must be prepaid.

Payment will be required in advance for the publication of documents which are to be inserted only once; and for those which are to be inserted several times, payment of three quarters of the cost of publication will be required in advance, and the balance before the second insertion.

The notices, documents and advertisements received on the Thursday preceding, before ten o'clock in the morning, will be inserted in the number of the Gazette of the following Saturday.

The price of subscription is five dollars per annum, invariably payable in advance, and no subscription for a shorter time than one year will be received.

The terms for subscribing will commence on the first of January, April, July and October.

Application to subscribe made in the interval, will be counted from the current quarter, and the numbers already published will be delivered, if possible.

The said notices, documents and advertisements will be inserted on the following terms:—

1	insertion.....	8	cents per line.
2	"	4	" "
3	" and every subsequent insertion.....	3	" "

By order,
PH. J. JOLICŒUR,
Assistant-Secretary.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 3rd February, 1871.

*Present :*THE LIEUTENANT GOVERNOR OF THE PROVINCE
OF QUEBEC.

WHEREAS in section one hundred and ninety six of the act passed at the last session of the Legislature of this province, chapter two, intituled : "The Quebec License Act," the words "District" and "Revenue Officer," are declared to mean and refer to "District and Revenue Officers" named and assigned by the Lieutenant Governor in council, under the tenth section of the "Treasury Department Act," and that in order to carry out the provisions of the said "Quebec License Act," and to ensure the efficient collection of revenue and the proper attention of the Revenue Officers, and for their guidance and instruction in the performance of their duties, it is necessary that the province of Quebec be divided into districts, for revenue purposes, and that regulations be made for the due performance of the duties of the said Revenue Officers.

It is ordered that the said Province of Quebec be divided into *twenty four districts for revenue purposes*, to be described and named as follows :

Revenue Districts :

ARTHABASKA—to consist of the judicial district of Arthabaska ;

BEAUCE—to consist of the judicial district of Beauce ;

BEAUHARNOIS—to consist of the judicial district of Beauharnois ;

BEDFORD—to consist of the judicial district of Bedford ;

BONAVENTURE—to consist of the county of Bonaventure ;

CHICOUTIMI—to consist of the judicial district of Chicoutimi ;

GASPÉ—to consist of the county of Gaspé, save and except the Magdalen Islands ;

IBERVILLE—to consist of the judicial district of Iberville ;

JOLIETTE—to consist of the judicial district of Joliette ;

KAMOURASKA—to consist of the judicial district of Kamouraska, save and except the county of Témiscouata ;

MAGDALEN ISLANDS—to consist of that part of the district of Gaspé known as the Magdalen Islands ;

MONTMAGNY—to consist of the judicial district of Montmagny ; (*as constituted by the Act 36 Vict., chap., 35. See Order in Council of 19th June, 1873.*)

MONTREAL—to consist of the judicial district of Montreal ;

OTTAWA—to consist of the county of Ottawa, in the district of Ottawa ;

PONTIAC—to consist of the county of Pontiac, in the district of Ottawa ;

QUEBEC—to consist of the judicial district of Quebec ; (*as constituted by the Act 36 Vict., chap. 35. See Order in Council of 19th June, 1873.*)

RICHELIEU—to consist of the judicial district of Richelieu ;

RIMOUSKI—to consist of the judicial district of Rimouski ;

SAGUENAY—to consist of the judicial district of Saguenay ;

ST. FRANCIS—to consist of the judicial district of St. Francis ;

ST. HYACINTHE—to consist of the judicial district of St. Hyacinthe ;

TEMISCOUATA—to consist of the county of Temiscouata, in the district of Kamouraska ;

TERREBONNE—to consist of the judicial district of Terrebonne ;

THREE RIVERS—to consist of the judicial district of Three Rivers ;

And with regard to the above referred to allegations :—

It is ordered that the several officers hereafter to be named for any of the said revenue districts, shall be understood to be named for and assigned to act, for the respective districts as above described, and all revenue officers shall be guided by the requirements of the said Treasury Department Act, and those of any other acts in force and by such orders of the Lieutenant Governor in Council, as are or may hereafter be passed, and of the Treasurer of the Province, as may from time to time be issued.

That in case of any vacancy occurring in the office of any Revenue Officer, the Treasurer of the Province shall have power to authorize any other Revenue Officer, to act temporarily in any such district where a vacancy exists, and to perform all the duties thereof, until such vacancy shall be filled by the Lieutenant Governor in Council in the usual way.

That the usual fees and percentage shall be allowed to the collectors of Inland Revenue, respectively, for their services as have heretofore been allowed and paid, subject however to the provisions of law, in that behalf, as to amount of remuneration and to holding any other office or employment, and also subject to such orders in council, as may hereafter be issued with respect thereto.

That all Revenue Officers shall keep proper books of account, showing the number of licenses issued, the names of parties to whom licenses have been granted, the kind of license, the amount received for such license, and generally all such statements as may be directed by the Treasurer, to be kept, and such books shall be open, at all times, for the inspection of such officer or officers, as may be charged from time to time by him, to inspect and report upon the same.

That such instructions and orders as may from time to time be given to any Revenue Officer by the Treasurer, as to the mode of keeping the books of account, as to rendering accounts of licenses issued and money received therefor, and as to payments of moneys into the Treasury Department, the inspection of houses and places of public entertainment, the publishing of lists of parties to whom licenses have been issued, annually or oftener, and any other matter or thing relating to the collection of revenue or appertaining thereto, shall be binding upon such Revenue Officers, and that it shall be their duty to obey and carry out the same.

That the oath mentioned in section nine of the Treasury Department Act, shall be taken by every Revenue Officer within thirty days after his appointment, and the same transmitted to the Treasury Department, which said oath may be administered by any Justice of the Peace residing in the district where the officer resides and to which he has been assigned.

FÉLIX FORTIER,
Clerk Executive Council.

EXECUTIVE COUNCIL CHAMBER.

Quebec, 14th February, 1871.

Present :

THE LIEUTENANT GOVERNOR IN COUNCIL.

WHEREAS by the 115th section of the "Quebec License Act," it is enacted that the Lieutenant Governor in Council shall, from time to time, make all necessary regulations, consistent with the provisions of this act, for the receipt, conveyance, storage and delivery of gunpowder," and by the 117th section, that "the regulations to be made in virtue of section 115 of this act, may impose penalties for all infractions thereof or for any infractions of the provisions of this act, relating to gunpowder, for which penalties are not already imposed."

It is ordered by His Excellency the Lieutenant Governor in Council, that the following regulations do come into force and have full effect of law, from and after the date of their publication in the *Quebec Official Gazette*.

Regulations for the receipt, conveyance, storage and delivery of gunpowder under the provisions of the 34th Vict., ch. 2, section 115.

1. The Revenue Officer shall from time to time, at any reasonable hour, visit and enter any building or premises, wherein gunpowder is stored or kept for sale, or wherein he has reason to believe it to be stored or kept, and shall report any infractions of the law or of these regulations, which he may have discovered in any such visit or inspection.

2. No gunpowder shall be conveyed through any street of the city of Quebec, except St. Peter street, St. Paul street, St. Joseph street (St. Roch) to the city limits and in the city of Montreal, except St. Mary street as far as

Papineau square, and up Papineau road to the city limits; when gunpowder arrives at the city of Montreal, by steam-boat, from the West, it must be landed at Côte St. Paul, and when by railway, it must be unloaded at the Tanneries; in both cases, it must be carted by Côte St. Luke road to the magazine.

3. The vehicles carting gunpowder shall be kept at a distance of one hundred yards at least, from each other.

4. No gunpowder, over twenty five pounds weight, shall be conveyed and brought for being shipped on any vessel, railroad or conveyance of any kind, unless the kegs containing the same be packed in boxes or casks, without any combustible material being used in the packing of the said boxes or casks.

5. No larger quantity than five hundred pounds of gunpowder, shall, at any one time, be kept on board of any vessel, railroad or other means of shipping or transporting, and no larger quantity than twenty five pounds thereof shall be in or on the said vessel, railroad or other means of shipping or transporting, unless the kegs containing the same be packed in boxes or casks as hereinbefore provided.

6. No gunpowder, except as hereinafter provided for, shall be carried or conveyed, or be delivered at any place, or on board of any ship, vessel or railroad, unless the said powder be carried or conveyed in vehicles, which shall be duly numbered and approved of in the same manner hereinafter provided for, and which shall be of the following kind or description, to wit: closed and covered vehicles, the tops and sides of which shall be securely covered with tarpaulin or oil cloth, and the body of such vehicles shall be fastened with no other kind of metal, than copper, brass or zinc, the door of the said vehicles shall be closed, at all times, excepting when powder is put into or removed from the said vehicles, and the word "powder" in both

english and such languages shall be painted in large letters on the side of the said vehicles.

7. No such vehicles shall be used to carry or convey gunpowder or to deliver powder, and authority shall have been obtained for each and every year to that effect, and until the said vehicles shall have been duly registered, at the office of the Revenue Officer, and a certificate and number obtained from that officer, for which certificate a fee of five dollars shall be paid.

The said number shall be fastened to the said vehicle, in a conspicuous place, as shall be directed by the Revenue Officer.

8. No person shall be allowed to drive any such vehicles without having previously obtained a permit from the Revenue Officer, who shall be entitled to a fee of one dollar for the same.

9. Large boxes, casks or packages, containing kegs of gunpowder, may be carted or conveyed on carts, trucks or waggons, such as are used for the ordinary purposes, provided, there shall be no other article, at the same time, in the vehicle with the said packages of powder, and provided also that the same shall be well secured and covered with a tarpaulin or oil cloth, sound and unbroken, with the word "powder" written in large letters on the outside thereof, and each box, cask or package shall moreover be marked on both ends or both sides with the word "powder" in large letters.

10. No person whatever, carting or handling gunpowder, shall have about his person or clothes any pipe, lucifer matches or other substances of a dangerous or inflammable nature.

11. Packages, kegs or casks of powder shall be carefully carried to and from the vehicles employed in the con-



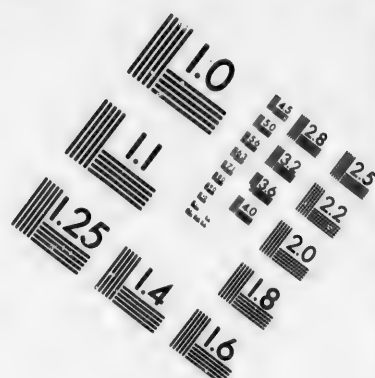
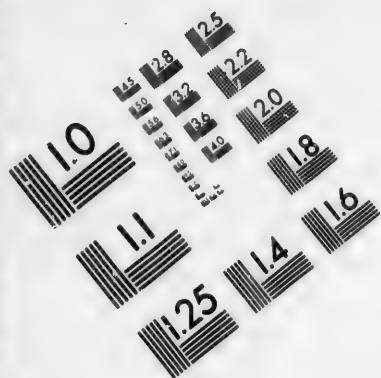
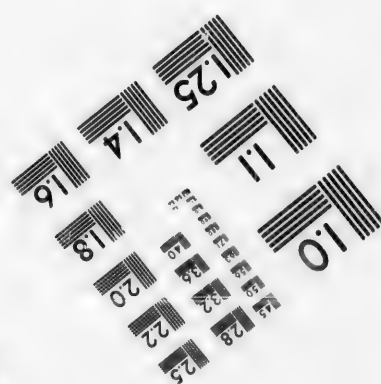
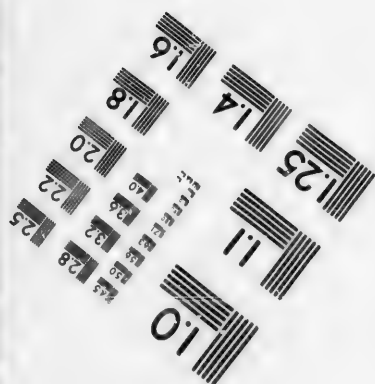
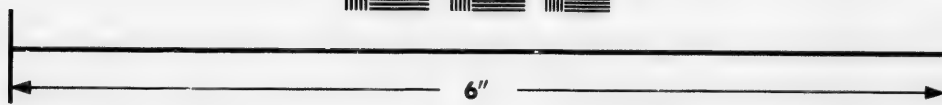
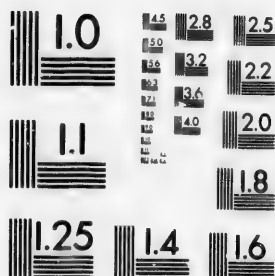


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veyance of the same, and the said packages, kegs or casks shall not be opened, nor powder removed therefrom, and the same shall be carried as aforesaid, and not rolled along the floor or on the earth.

12. Whenever gunpowder shall be found in a larger quantity than twenty five pounds in weight within any building or premises against the provisions of the present regulations, the same shall be taken in charge by any member of the Police force, by any Revenue Officer or any person authorized by the latter, and transferred to a licensed powder magazine, if there be one in the vicinity, or otherwise kept in safe keeping, if there be not one, under an order of a Recorder or Judge of the Sessions of the Peace, or Police or District Magistrate, or a Justice of the Peace, until, in case of conviction, the fine hereinafter mentioned be paid, or until an order to release the same be granted by the justice or magistrate, before whom the charge has been brought.

13. Any person offending against any one of the provisions of these regulations, shall be liable to a fine not exceeding two hundred dollars for each offence.

(Certified),

FÉLIX FORTIER,
Clerk Ex-Council.

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